

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
November 18, 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 18, 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, Ron Kroeger, Rick Kriebel and Mel Dreyer; the following arrive during the course of the meeting: Ray Hadley; and the following were absent: Martha Rodriguez.

Motion was made by Hanks, seconded by Kroeger and carried to approve the minutes of November 4, 2002.

Bid Openings

No. CC111802-01 – The following bids for One (1) New Current Model Year Truck Tractor and/or One (1) New Current Model Year Pneumatic Tank Trailer for the Water Reclamation Division were opened on November 14, 2002:

	<u>Pneumatic Tank Trailer</u>	<u>Truck Tractor</u>
1) Beall Trailers of Montana (bond submitted)	\$45,799	\$ no bid
2) Eddie's Truck Sales, Inc. (bond submitted)		\$70,924
3) Sheehan Mack Sales & Equipment (no bond)		\$75,258
4) Black Hills Truck & Trailer (bond submitted)		\$87,954
5) West River International, Inc. (bond submitted)		\$82,266

Staff has reviewed the bids and recommends award of the pneumatic tank trailer to Beall Trailers for \$45,799; and truck tractor to Eddie's Truck Sales, Inc. for \$70,924. Motion was made by Hanks, seconded by Waugh and carried to award the One (1) New Current Model Year Truck Tractor for the Water Reclamation Division to the lowest responsible bidder meeting specifications, Eddie's Truck Sales, Inc., based on their low unit price bid, for a total contract amount of \$70,924; and One (1) New Current Model Year Pneumatic Tank Trailer for the Water Reclamation Division to the lowest responsible bidder meeting specifications, Beall Trailers of Montana based on their low unit price bid, for a total contract amount of \$45,799.

Mayor's Items

Mayor Munson presented the **Veteran of the Month Award** to Georgie Crow for the month of October; and Harry E. Nollsch for the month of November and commended both for their outstanding service to their country.

At this time, Alderman Hadley entered the meeting.

Mayor Munson also presented to Ron Kroeger, Council President a plaque from the National League of Cities for 35 years of membership.

Mayor Munson requested approval of payment to Carl Moore to conduct a training session for Rapid City Council members and department heads in the amount of \$3,749.22; whereupon Waugh moved to approve the request; seconded by Kroeger and carried.

Aldersperson Items/Liaison Reports

Alderman Kooiker moved to direct the Planning Department to allow plumbing in detached garages. Second was made by Hadley. Kroeger believed it more appropriate to discuss this item at the Public Works Committee to allow staff input. Substitute motion was made by Kroeger, seconded by Waugh to forward this item to the Public Works Committee. Johnson asked that staff prepare a policy for consideration, and Murphy asked that the policy address industrial drains. Motion carried.

Alderman Johnson addressed a request by Pennington County to waive fees for the County Events Center, and suggested the 2012 Committee convene to consider the request. Alderman Hanks believed it more appropriate to discuss this item at the Legal & Finance Committee. Substitute motion was made by Hanks, seconded by Johnson to forward this item to the Legal & Finance Committee. Motion carried.

Council President Kroeger reminded members of an informational meeting, Wednesday, November 20 beginning at 3:00 P.M. He also reported Council's goals to be accomplished this year; one being the Fifth Street Extension; developing 2012 program guidelines; and rules and procedures for Council.

Special Items and Items from Visitors

Lisa Sissenstein extended an invitation to Council to join in the 26th Annual Great American Smoke Out and to attend an event sponsored by the Rapid City Tobacco Education Project at the Children's Science Center on Thursday, November 21 beginning at 4:30 P.M.

Alcoholic Beverage License Applications

Hearings:

This was the time set for hearing on the application of Kurylas Inc., DBA **Imperial Inn**, 125 Main St, for an On-Sale Liquor License Renewal, No Sunday Opening. Upon motion made by Hadley, seconded by Kroeger and carried, the Council approved the application.

This was the time set for hearing on the application of Margaret Jefferson DBA **Oasis Lounge**, 711 Main St, for an On-Sale Liquor License Renewal, No Sunday Opening. Upon motion made by Hadley, seconded by Kroeger and carried, the Council approved the application.

This was the time set for hearing on the application of City of Rapid City, DBA **Airport Restaurant & Lounge**, Rural Route 2 Box 6335, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Kroeger and carried, the Council approved the application.

This was the time set for hearing on the application of **Arrowhead Country Club**, 3675 Sheridan Lake Rd for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Kroeger and carried, the Council approved the application.

This was the time set for hearing on the application of Guang Huan Huang, DBA **Hunan Chinese Restaurant**, 1720 Mt Rushmore Rd for an On-Sale Wine License Renewal. Upon motion made by Hadley, seconded by Kroeger and carried, the Council approved the application.

This was the time set for hearing on the application of Wilburn-Powers Inc, DBA **Horseshoe Bar**, 1407 ½ E North St for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Kroeger and carried, the Council approved the application.

This was the time set for hearing on the application of Robert W Johnson, DBA **Canyon Lake Pub & Casino**, 4116 Jackson Blvd for an On-Sale Wine License Renewal, and Sunday Opening. Upon motion made by Hadley, seconded by Kroeger and carried, the Council approved the application.

This was the time set for hearing on the application of Century Motels Inc., DBA **Howard Johnson Express Inn & Suites**, 950 North St for a New On-Sale Wine License, and Sunday Opening. Upon motion made by Hadley, seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of **Rapid City Elks Club Lodge #1187**, 3333 E 39th St for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Kroeger and carried, the Council approved the application.

This was the time set for hearing on the application of Porter Apple Company, DBA **Applebee's Neighborhood Grill & Bar**, 2160 Haines Ave, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of Sam's West inc., DBA **Sam's Club #6565**, 1020 Lacrosse St, for an Off-Sale Liquor License Renewal, No Sunday Opening. Upon motion made by Hadley, seconded by Waugh and carried, the Council approved the application.

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

This was the time set for hearing on the application of VFW, DBA **Rushmore Post 1273**, 420 Main St, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Waugh and carried, the Council approved the application.

Set for Hearing:

Upon motion made by Hadley, seconded by Waugh and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearing to be held on Monday, December 2, 2002.

16. Rushmore Catering Company Inc., DBA **Rushmore Plaza Holiday Inn**, 505 N 5th St for an On-Sale Liquor License Renewal and Sunday Opening
17. Retsel Inc., DBA **Cheers/Ramada Inn**, 1721 N LaCrosse St, for an On-Sale Liquor License Renewal and Sunday Opening
18. Retsel Inc., DBA **Ramada Inn (Package Store)**, 1721 N LaCrosse St, for an Off-Sale Liquor License Renewal

19. Martom Management Inc., DBA **Day's Inn Lounge**, 725 Jackson blvd, for an On-Sale Liquor License Renewal, No Sunday Opening
20. Dos Ermonas Inc., DBA **LaCosta Mexican Restaurant**, 603 Omaha St, for an On-Sale Wine License Renewal
21. **Fraternal Order of Eagles Rapid City Aerie No 3555**, 1410 Centre St, for an On-Sale Liquor License Renewal and Sunday Opening
22. WR Rapid City Ventures LP, DBA **Oakleaf Beer Garden**, 2213 LaCrosse St for an On-Sale Wine License Renewal
23. WR Rapid City Ventures LP, DBA **Minerva's Restaurant & Bar**, 2211 N LaCrosse St for an On-Sale Liquor License Renewal and Sunday Opening
24. Beshara Enterprises Inc., DBA **The Pirate's Table**, 3550 Sturgis Rd, for an On-Sale Liquor License Renewal and Sunday Opening
25. Rapid City Liquor Inc., DBA **Family Thrift Liquor #273**, 1516 E St Patrick St, for an Off-Sale Liquor License Renewal
26. Rapid City Liquor Inc., DBA **FTC Express #657**, 3460 Sturgis Rd, for an Off-Sale Liquor License Renewal
27. Rapid City Liquor Inc., DBA **Prairie Bottle Market #46**, 13 New York St, for an Off-Sale Liquor License Renewal
28. Century Motels Inc., DBA **Howard Johnson Express Inn & Suites**, 950 North St, for an On-Sale Liquor License Renewal, No Sunday Opening
29. **Loyal Order of Moose**, 841 E St Patrick St, for an On-Sale Liquor License Renewal and Sunday Opening
30. Outback Midwest II LP, DBA **Outback Steakhouse**, 665 E Disk Dr, for On-Sale Liquor License Renewal and Sunday Opening
31. **The Retired Enlisted Assoc Inc., Chapter #29**, 1981 E Centre St, for an On-Sale Liquor License Renewal and Sunday Opening
32. **The Retired Enlisted Assoc Inc., Chapter #29**, 906 E Philadelphia St, for an On-Sale Wine License Renewal
33. GMRI Inc, DBA **Red Lobster #460**, 120 Disk Dr, for an On-Sale Liquor License Renewal and Sunday Opening
34. Casa Del Rey Rapid City Inc., DBA Casa **Del Rey**, 1902 Mt Rushmore Rd, for an On-Sale Liquor License Renewal and Sunday Opening
35. Shotgun Willies Inc., DBA **Shotgun Willies**, 2808 W Main St, for an On-Sale Wine License Renewal
36. Western Dakota Gaming Inc., DBA **Valley Sports Bar**, 1865 S Valley Dr, for an On-Sale Liquor License Renewal and Sunday Opening
37. B & L Inc., DBA **Boyds Liquor Mart**, 909 E St Patrick St, for an Off-Sale Liquor License Renewal
38. B & L Inc., DBA **Boyds Liquor Mart**, 2001 W Main St, for an Off-Sale Liquor License Renewal
39. Mills Drug Inc., DBA **Boyds Liquor Mart**, 1424 Mt Rushmore Rd, for an Off-Sale Liquor License Renewal
40. Poker Joes Inc., DBA **Poker Joes**, 211 Cambell St, for an On-Sale Liquor License Renewal and Sunday Opening
41. Keith & Dorla Brink, DBA **Carini's Italian Food**, 324 St Joseph St, for an On-Sale Wine License Renewal
42. Sooper Dooper Markets Inc., DBA **Sooper Dooper #1**, 913 E St Patrick St, for an Off-Sale Liquor License Renewal

43. Dan's Super Market Inc., DBA **Dan's Super Market**, 333 3rd St, for an Off-Sale Liquor License Renewal
44. Great Wall Inc., DBA **Imperial Chinese Restaurant**, 702 E North St, for an On-Sale Wine License Renewal
45. Great Wall Inc., DBA **Great Wall Chinese Restaurant**, 315 E North St, for an On-Sale Wine License Renewal
46. Brinker Restaurant Corp, DBA **Chili's Grill & Bar**, 2125 N Haines Ave, for an On-Sale Liquor License Renewal and Sunday Opening
47. **American Legion**, 818 E St Patrick St, for an On-Sale Liquor License Renewal and Sunday Opening
48. H & B Inc., **Hall Inn**, 214 E St Joseph St, for an Off-Sale Liquor License Renewal
49. Joe N Crawford, DBA **Smokin Joe's #12**, 4302 S Hwy 79, for an On-Sale Liquor License Renewal, No Sunday Opening
50. Colonial House Inc., DBA **Colonial House**, 2501 Mt Rushmore Rd, for an On-Sale Liquor License Renewal and Sunday Opening
51. Blue Lantern Lounge Inc., DBA **Blue Lantern Lounge**, 1200 E St Patrick St, for an On-Sale Liquor License Renewal and Sunday Opening
52. Flannery Oil Company, DBA **Corner Pantry – LaCrosse St**, 2130 LaCrosse St, for an Off-Sale Liquor License Renewal
53. Restech Partners Inc, DBA **TGI Fridays**, 2205 N LaCrosse St, for an On-Sale Liquor License Renewal and Sunday Opening
54. Fox Family Enterprises Inc., DBA **Rodeway Inn**, 2208 Mt Rushmore Rd, for an On-Sale Liquor License Renewal and Sunday Opening
55. Karen J Schumacher, DBA **Brass Rail Lounge**, 624 St Joseph St, for an On-Sale Liquor License Renewal and Sunday Opening
56. Harbry Enterprises Inc., DBA **Buck-N-Gator**, 4095 Sturgis Rd, for an On-Sale Liquor License Renewal and Sunday Opening
57. Merle Bach, DBA **The Hideaway**, 1575 N LaCrosse St, for an Off-Sale Liquor License Renewal
58. High Plains Securities Inc., DBA **The Reef**, 504 Mt Rushmore Rd, for an On-Sale Liquor License Renewal, No Sunday Opening
59. Kelly's Sports Lounge Inc., DBA **Kelly's Sports Lounge**, 825 Jackson Blvd, for an On-Sale Liquor License Renewal and Sunday Opening
60. Harleys Casino Inc, DBA **Harley's Casino**, 640 E St Patrick St, for an On-Sale Liquor License Renewal and Sunday Opening
61. Cowboy Casino Inc., DBA **The Boot**, 826 Main St, for an On-Sale Liquor License Renewal and Sunday Opening
62. Sports Saloon Inc., DBA **Murphys Bar**, 510 9th St, for an On-Sale Liquor License Renewal and Sunday Opening
63. Phatty McGees Inc., DBA **Phatty McGees**, 321 7th St, for an On-Sale Liquor License Renewal and Sunday Opening
64. Fat Boy's Inc., DBA **Firehouse Brewing Co**, 610 Main St, for an On-Sale Liquor License Renewal and Sunday Opening
65. Loveletta M Gibson, DBA **Lovey's Outer Limits**, 4163 Terry Dr, for an On-Sale Wine License Renewal
66. CJS Inc., DBA **The Metro Café & Pub**, 710 St Joseph St, for on On-Sale Wine License Renewal
67. Faryat Inc., DBA **Botticelli's Ristorante Italiano**, 523 Main St, for an On-Sale Wine License Renewal

68. Faryat Inc., DBA **Botticelli's Ristorante Italiano**, 523 Main St, for an Off-Sale Liquor License Renewal
69. Meadowood Lounge Inc., DBA **Meadowood Lounge**, 3809 Sturgis Rd, for an On-Sale Liquor License Renewal and Sunday Opening
70. Derby Advertising Inc., DBA **Canyon Lake Chophouse**, 2720 Chapel Ln, for an Off-Sale Liquor License Renewal
71. Derby Advertising Inc., DBA **Canyon Lake Chophouse**, 2720 Chapel Ln, for an On-Sale Liquor License Renewal and Sunday Opening
72. Mae Jean Adams, DBA **The Corn Exchange**, 727 Main St, for an On-Sale Wine License Renewal
73. Sherri Ashley, DBA **Uptown Bar & Grill**, 615 Main St, for an On-Sale Liquor License Renewal, No Sunday Opening
74. Safeway Stores 46 Inc., DBA **Safeway Store #581**, 2120 Mt Rushmore Rd, for an Off-Sale Liquor License Renewal
75. Safeway Stores 46 Inc., DBA **Safeway Store #1554**, 730 Mt View Rd, for an Off-Sale Liquor License Renewal
76. Tamara Sellars & Pamela Light, DBA **Wine Cellar 507**, 507 6th St, for an On-Sale Wine License Renewal
77. Tamara Sellars & Pamela Light, DBA **Wine Cellar 507**, 507 6th St, for an Off-Sale Liquor License Renewal
78. Moyle Petroleum Company DBA **North Street Smoke Shop**, 634 E North St, for an Off-Sale Liquor License Renewal
79. Moyle Petroleum Company DBA **Common Cents**, 2808 Sheridan Lake Rd, for an Off-Sale Liquor License Renewal
80. **Shooters**, 2504 W Main St, for an On-Sale Liquor License Renewal and Sunday Opening
81. LaCroix Investments Inc., DBA **Time Out Lounge**, 615 E North St, for an On-Sale Liquor License Renewal and Sunday Opening
82. LaCroix Investments Inc., DBA **Bus's Bottle Shop**, 615 E North St, for an Off-Sale Liquor License Renewal
83. Albertson's Inc., DBA **Albertson's Food Center #845**, 855 Omaha St, for an Off-Sale Liquor License Renewal
84. Hansen Investments Inc., DBA **Diamond Dave's Taco Co**, 2200 N Maple (Rushmore Mall), for an On-Sale Liquor License Renewal and Sunday Opening
85. Shiba Investments Inc., DBA **Radisson**, 445 Mt Rushmore Rd, for an On-Sale Liquor License Renewal and Sunday Opening
86. RC Boston Company LLC, DBA **Boston's Restaurant & Sports Bar**, 620 E Disk Dr, for an On-Sale Liquor License Renewal and Sunday Opening
87. Steven C Lester, DBA **Quality Inn**, 1902 N LaCrosse St, for an On-Sale Liquor License Renewal and Sunday Opening
88. Canyon Lake Liquors LTD, DBA **Canyon Lake Liquors**, 4244 Canyon Lake Dr, for an Off-Sale Liquor License Renewal
89. Clayton O & Donna Mae Jerred, DBA **Gas N Snax**, 418 Knollwood Dr, for an Off-Sale Liquor License Renewal

Consent Calendar Items

The following items were removed from the Consent Calendar:

91. Direct staff to work with the South Dakota Game, Fish & Parks Department and report at the November 26, 2002 Public Works Committee meeting the proposed numbers of a manageable level for a deer herd; costs to harvest approximately 300 deer the first year; present an overview of the heaviest concentration of deer; and suggest a zone within the City Limits where the control of the deer population would take place.
97. No. PW111202-06 – Authorize staff to advertise for bids for ST03-1030, Park Drive Reconstruction Project.
106. Approve the City's share of \$84,446.81 in additional funding to increase the capacity at the detox center by 10 beds
107. Direct staff to come back with a recommendation as far as funding options for the additional funds for the detox center
118. No. 02AN008 - Approve Sections 16, 21, 22, 23, 26, and 27, T2N, R7E - a request by City of Rapid City to consider an application for a **Resolution of Annexation** for a Lots 1 and 2 of Block 1, Lot 1 of Block 4 and Lot 1 of Block 5, and dedicated right-of-way, Farrar Business Park, Section 16, T2N, R7E, BHM, Pennington County, South Dakota; That portion of N1/2 SE1/4 lying north and east of the right-of-way line of Interstate Highway 90, Section 16, T2N, R7E, BHM, Pennington County, South Dakota; That portion of SE1/4 SE1/4 lying north & east of highway right-of-way, Section 16, T2N, R7E, BHM, Pennington County, South Dakota; Lot H1 of the SE1/4 of Section 16, T2N, R7E, BHM, Pennington County, South Dakota; Lot H1 of the SW1/4, Section 16, T2N, R7E, BHM, Pennington County, South Dakota; Lots 1 thru 4 of Tract A of Lien Subdivision located in E1/2 of NE1/4 and in NE1/4 of SE1/4 of Section 21, T2N, R7E, BHM, Pennington County, South Dakota; Lot H1 of the NE1/4 NE1/4 of Section 21, T2N, R7E, BHM, Pennington County, South Dakota; Lot H1 of the SE1/4 NE1/4 of Section 21, T2N, R7E, BHM, Pennington County, South Dakota; NW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota; Lot X of Lot H-2 of SW1/4 less Lot H1 of Lot X of Lot H2 of SW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota; Lot Y of Lot H-2 of SW1/4 less Lot H-1 of Lot Y of Lot H2 of SW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota; Lot B of the NW1/4 SW1/4 and SW1/4 SW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota; W1/2 W1/2 NE1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota; E1/2 SE1/4 SE1/4 SW1/4 SW1/4 and the SW1/4 SW1/4 SE1/4 SW1/4 and the W1/2 SE1/4 SW1/4 SE1/4 SW1/4 and the S1/2 NW1/4 SW1/4 SE1/4 SW1/4 and the SW1/4 NE1/4 SW1/4 SE1/4 SW1/4, all located in Section 22, T2N, R7E, BHM, Pennington County, South Dakota; E1/2 NE1/4; and the E1/2 W1/2 NE1/4; and the SE1/4; and the Unplatted Balance of SW1/4 lying north and east of Highway I-90 right-of-way and including a strip of land 80 feet in width adjacent and parallel to the southeast boundary of R & L Subdivision and also including a strip of land 100 feet in width adjacent and parallel to the northern boundary of Highway I-90 right-of-way, all located in Section 22, T2N, R7E, BHM, Pennington County, South Dakota; SW1/4 NW1/4 and the W1/2 SW1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota; NW1/4 NW1/4 and that part of the SW1/4

NW1/4 lying north of Interstate I-90 right-of-way, Section 26, T2N, R7E, BHM, Pennington County, South Dakota; NE1/4 NE1/4 and the NW1/4 NE1/4 and the SE1/4 NE1/4 and the NE1/4 NW1/4 and the NW/14 NW1/4 lying north of Highway I-90 right-of-way, Section 27, T2N, R7E, BHM, Pennington County, South Dakota; That portion of the Section line highway lying north of Interstate 90 known as Deadwood Avenue lying within 33 feet either side of the north-south section line between the Southeast quarter of Section 21 and the Southwest quarter of Section 22 and including the 17 foot wide dedicated right-of-way adjacent to Lot 1R Revised of Summit Industrial Park located in the NW1/4 SW1/4 of Section 22, T2N, R7E, BHM, Pennington County, South Dakota; That portion of the Section line highway known as Deadwood Avenue lying within 33 feet either side of the north-south section line between the Northeast quarter of Section 21 and the Northwest quarter of Section 22, T2N, R7E, BHM, Pennington County, South Dakota; That portion of the Section line highway known as Deadwood Avenue lying within 33 feet either side of the north-south line between the Southwest quarter of Section 15 and the Southeast quarter of Section 16, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north and east of US Interstate 90 and Deadwood Avenue within Sections 16, 21, 22, 23, 26, and 27.

121. No. LF111302-08 - Resolution Canceling Checks or Warrants not Presented for Payment within Two Years of Date of Issuance
123. Approve the second precinct map presented to the Committee which keeps the wards intact but establishes new precincts within the wards and to direct staff to draft an ordinance setting forth the boundaries shown on said map and bring it back for first reading at the November 26, 2002, Legal and Finance Committee meeting
126. No. LF111302-12 - Authorize Mayor and Finance Officer to Sign Agreement between Mark Knowles and City of Rapid City to Conduct a Technology Audit in an amount not to exceed \$8,500
127. No. LF111302-13 - Resolution to Amend Non-Union Pay Plan Establishing the New Position of Patient Billing Services, Compliance and Contract Services Coordinator
129. No. CC111802-02 - Direct staff to draft a resolution stating that three members of the Council will constitute a quorum at the committee meetings and that tabling motions at the committee level will not be forwarded on to Council

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

Set for Hearings: (December 16, 2002)

90. No. 02VR006 - A request by Dream Design International, Inc. to consider an application for a **Vacation of Right-of-Way** on Lots 1 thru 3 of Block 7 of Schnasse Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 225 East Watertown Street.

Public Works Committee Items

92. No. PW111202-01 – Approve Change Order No. 01 for WRF02-1173, Water Reclamation Facility Expansion Project with Glenn C. Barber & Associates, Inc. for a decrease of \$31,516.00; contingent upon approval by the South Dakota Department of Environment and Natural Resources.

93. No. PW111202-02 – Approve Change Order No. 01F for TS02-1199, Transit Shelter Installation Project with Dean Kurtz Construction Company for a decrease of \$3,557.28.
94. No. PW111202-03 – Approve Change Order No. 04 for IDP01-1094, Rapid City Public Library with Jim Scull Construction for an increase of \$48,038.00.
95. No. PW111202-04 – Approve Change Order No. 04F for ST01-871, Highway 16/Promise Drive Street and Utility Construction Project with R. C. S. Construction, Inc. for an increase of \$1,004.63.
96. No. PW111202-05 – Authorize staff to advertise for bids for PR02-1201, Canyon Lake Park Northshore Improvements Project.
98. No. PW111202-07 – Authorize Mayor and Finance Officer to sign a South Dakota Department of Transportation Funding Agreement for Letting and Construction of Projects P 1669(26), PCEMS 3595, and SSW02-1242 Haines Avenue North from Northridge Drive to Viking Drive.
99. No. PW111202-08 – Authorize Mayor and Finance Officer to sign a Professional Service Agreement with Kadrmass, Lee & Jackson, Inc. for Preliminary Engineering Phase (surveying) for Water, Sewer and Street Reconstruction for SSW02-1242, Haines Avenue North from Northridge Drive to Viking Drive for an amount not to exceed \$15,500.
100. No. PW111202-09 - Authorize Mayor and Finance Officer to sign a Lease Agreement with Rapid City Lodge No. 1187 of the Benevolent and Protective Order of Elks.
101. No. PW111202-10 – Authorize Mayor and Finance Officer to sign Amendment No. 02 to Professional Service Agreement with Lund Associates, Ltd. for Design and Construction Administration of an Indoor Ice Rink and Related Support Areas for an amount not to exceed \$8,081.30.
102. No. PW111202-11 – Authorize Mayor and Finance Officer to sign a Street Light Installation and Maintenance Agreement with Red Rock Development Company, L.L.C.
103. No. PW111202-12 – Approve the sale of one 1971 Rushmore 14' x 70' mobile home trailer, Inventory No. 000001, Serial No. 684191956 to Tom Humpal, 4315 Circle Drive, Rapid City, SD for the amount of \$2,250; contingent upon the mobile home being moved by November 28, 2002.

Legal & Finance Committee Items

104. No. LF111302-01 - Approve purchase of Fingerprint Detection Light Source
105. No. LF111302-02 - Approve request to Advertise for Bids for Motor Vehicles
108. No. LF111302-03 - Approve Travel Request for Jim L'Esperance and Joe Tjaden to attend Hazardous Material Technician Course in Pueblo, Colorado, from December 2-13, 2002, in the Sum of \$6,170.12
109. No. LF111302-04 - Authorize staff to enter into contract with State of South Dakota for a grant to cover the expenses for above trip in the amount of \$5,977
110. No. LF111302-05 - Authorize staff to Advertise for Bids for: 1 – current model year 1-ton crew cab short box diesel 4-wheel drive pickup; 3 – current model year ambulances (as per the ambulance transition plan); and 4 – refurbished ambulances (as per the ambulance transition plan)
111. No. LF111302-05 - Authorize staff to purchase: 1 – current year model Dodge Durango from Wegner Motors, Pierre for the State Contract price of \$20,107.00; 1-current year model Ford Excursion 3/4 ton 4x4 from McKie Ford for the State Contract price of \$28,260.00 (Base price: \$28,165; Options: \$125); and Billing and Field Data software package for ambulance service operations for a price not to exceed \$21,000.00
112. Approve hiring 12 FTE's to complete the hiring for Station 6, and to begin the acquisition of personnel needed for the assumption of ambulance service

- 113. No. 02TP015 - Authorize Mayor and Finance Officer to sign a contract between SFR Consulting Group, Inc. and the City of Rapid City for an Intelligent Transportation System (ITS) Master Plan for Integration Strategies in an amount not to exceed \$99,533 with the ability to make minor contract changes in the language to accommodate DOT legal counsel
- 114. No. 02TP016 - Authorize Mayor and Finance Officer to sign a contract between Ferber Engineering, Inc. and the City of Rapid City for the Eglin Street Corridor Analysis in an amount not to exceed \$101,545 with the ability to make minor contract changes in the language to accommodate DOT legal counsel
- 115. No. 02TP017 - Authorize Mayor and Finance Officer to sign an Addendum to Agreement 310694 Rapid City Area 2000 Unified Planning Work Program Project Number PL0358(19) for a Time Extension only
- 116. No. 02TP018 - Authorize Mayor and Finance Officer to sign an Addendum to Agreement 310734 Rapid City Area 2001 Unified Planning Work Program Project Number PL0358(19) for a Time Extension only
- 117. No. 02TP019 - Authorize Mayor and Finance Officer to sign an Addendum to Agreement 810490 Rapid City Area 2002 Unified Planning Work Program Project Number PL0358(21) for a Time Extension only
- 119. Authorize Mayor and Finance Officer to Sign Weed and Seed Mini Grants with the Following: Big Brothers/Big Sisters, \$3,257; Center for Restorative Justice, \$3,200; Church Response, \$3,700; Cornerstone Rescue Mission, \$7,530; E.B. Bergquist PTA, \$2,500; G.R.E.A.T. Program, \$2,500; Milwaukee Neighborhood Watch, \$600; Rapid City Club for Boys, \$5,000; Rapid City Youth Boxing, \$3,500; Roosevelt Neighborhood Watch, \$600; YFS Child Care, \$7,117; YFS Girls Inc., \$5,000
- 120. No. LF111302-07 - 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:

STREET DEPARTMENT

1992 Elgin Crosswind Sweeper, Serial Number 1FDXH70P7NVA17381, Inventory No. 001591

WATER DEPARTMENT

1997 Caterpillar 446B Backhoe, Serial Number 5BL01634, Inventory No. 5011

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 18th of November, 2002.

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

- 122. Authorize Mayor and Finance Officer to sign Exterior Bus Advertising Contracts and Authorize the Transit Manager to Sign Renewals of Contracts for Exterior Bus Advertising, with a report of such contracts presented to the Council on a quarterly basis
- 124. No. LF111302-10 - Increase the Section 125 Cafeteria Plan Administrative Service Fee with First Administrators for \$3.25 to \$4.25 Per Month Per Participant Effective January 1, 2003
- 125. No. LF111302-11 - Authorize Mayor and Finance Officer to Sign Memorandum of Understanding Appendix F
- 128. No. LF100202-13 - Table Infrastructure Development Partnership Loan - Phil Olsen for Heartland Development Group, LLC
- 130. No. LF111302-15 - Approve the energy policy brought forth by the Energy Committee

RESOLUTION ADOPTING ENERGY POLICY

WHEREAS, the City of Rapid City has commissioned an Energy Committee to study and complete an energy policy for the City of Rapid City; and

WHEREAS, the Energy Committee conducted its study and drafted an energy policy; and

WHEREAS, it is in the best interest of the City of Rapid City to adopt and recognize said energy policy;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the energy policy be and hereby is adopted as the City of Rapid City's official energy policy.

Dated the 18th day of November, 2002.

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

End of Consent Calendar

Motion was made by Hanks, seconded by Waugh to Direct staff to work with the South Dakota Game, Fish & Parks Department and report at the November 26, 2002 Public Works Committee meeting the proposed numbers of a manageable level for a deer herd; costs to harvest approximately 300 deer the first year; present an overview of the heaviest concentration of deer; and suggest a zone within the City Limits where the control of the deer population would take

place. Mike Forrette, 119 So. Berry Pines Road commented that he believed the City needed a deer herd management plan, and appealed to the Council to consider PZP in their plan. Upon a vote being taken on the motion, motion carried with Johnson voting NO.

No. PW111202-06 – Motion was made by Kroeger, seconded by Waugh to Authorize staff to advertise for bids for ST03-1030, Park Drive Reconstruction Project. Discussion ensued relative to septic systems; the number of property owners interested in connecting to City services; costs associated with the project; and possible funding sources. Upon a vote being taken on the motion, motion carried.

Motion was made by Hanks, seconded by Kroeger to Approve the City's share of \$84,446.81 in additional funding to increase the capacity at the detox center by 10 beds. Police Chief Tieszen defined the use of the detox beds as short-term – 24 hours to 5 days. Remaining beds are for long-term treatment and these beds assist in funding the detox center. He suggested that taking beds from the long term treatment would decrease the subsidy for the detox center. Upon a vote being taken on the motion, motion carried.

Motion was made by Hanks, seconded by Waugh to Direct staff to come back with a recommendation as far as funding options for the additional funds for the detox center. City Finance Officer Preston offered several funding scenarios. Use Council Contingency by delaying the Cathedral Drive traffic signal until 2003. Use a combination of CIP Contingency and Council Contingency balances and borrow funds from the Drug Free Schools; however in FY2003 funds must be set aside to pay the borrowed funds. Use CIP funds by delaying the St. Patrick/Elm Street traffic signal until 2003, thus using those funds for the Cathedral Drive traffic signal and freeing Council Contingency. Borrow money from the unencumbered cash balance or reserve with the idea of paying back from Council Contingency in FY2003. Preston recommended delaying traffic signals to free Council Contingency funds. Substitute motion was made by Johnson, seconded by Hadley to use \$84,446.81 from the unencumbered cash. Upon a vote being taken on the motion, motion carried with Kriebel voting NO.

No. 02AN008 – Motion was made by Dreyer, seconded by Johnson and carried to Continue until December 2, 2002 the approval of Sections 16, 21, 22, 23, 26, and 27, T2N, R7E - a request by City of Rapid City to consider an application for a **Resolution of Annexation** for a Lots 1 and 2 of Block 1, Lot 1 of Block 4 and Lot 1 of Block 5, and dedicated right-of-way, Farrar Business Park, Section 16, T2N, R7E, BHM, Pennington County, South Dakota; That portion of N1/2 SE1/4 lying north and east of the right-of-way line of Interstate Highway 90, Section 16, T2N, R7E, BHM, Pennington County, South Dakota; That portion of SE1/4 SE1/4 lying north & east of highway right-of-way, Section 16, T2N, R7E, BHM, Pennington County, South Dakota; Lot H1 of the SE1/4 of Section 16, T2N, R7E, BHM, Pennington County, South Dakota; Lot H1 of the SW1/4, Section 16, T2N, R7E, BHM, Pennington County, South Dakota; Lots 1 thru 4 of Tract A of Lien Subdivision located in E1/2 of NE1/4 and in NE1/4 of SE1/4 of Section 21, T2N, R7E, BHM, Pennington County, South Dakota; Lot H1 of the NE1/4 NE1/4 of Section 21, T2N, R7E, BHM, Pennington County, South Dakota; Lot H1 of the SE1/4 NE1/4 of Section 21, T2N, R7E, BHM, Pennington County, South Dakota; NW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota; Lot X of Lot H-2 of SW1/4 less Lot H1 of Lot X of Lot H2 of SW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota; Lot Y of Lot H-2 of SW1/4 less Lot H-1 of Lot Y of Lot H2 of SW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota; Lot B of the NW1/4 SW1/4 and SW1/4 SW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota; W1/2 W1/2 NE1/4, Section 22, T2N, R7E, BHM,

Pennington County, South Dakota; E1/2 SE1/4 SE1/4 SW1/4 SW1/4 and the SW1/4 SW1/4 SE1/4 SW1/4 and the W1/2 SE1/4 SW1/4 SE1/4 SW1/4 and the S1/2 NW1/4 SW1/4 SE1/4 SW1/4 and the SW1/4 NE1/4 SW1/4 SE1/4 SW1/4, all located in Section 22, T2N, R7E, BHM, Pennington County, South Dakota; E1/2 NE1/4; and the E1/2 W1/2 NE1/4; and the SE1/4; and the Unplatted Balance of SW1/4 lying north and east of Highway I-90 right-of-way and including a strip of land 80 feet in width adjacent and parallel to the southeast boundary of R & L Subdivision and also including a strip of land 100 feet in width adjacent and parallel to the northern boundary of Highway I-90 right-of-way, all located in Section 22, T2N, R7E, BHM, Pennington County, South Dakota; SW1/4 NW1/4 and the W1/2 SW1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota; NW1/4 NW1/4 and that part of the SW1/4 NW1/4 lying north of Interstate I-90 right-of-way, Section 26, T2N, R7E, BHM, Pennington County, South Dakota; NE1/4 NE1/4 and the NW1/4 NE1/4 and the SE1/4 NE1/4 and the NE1/4 NW1/4 and the NW1/4 NW1/4 lying north of Highway I-90 right-of-way, Section 27, T2N, R7E, BHM, Pennington County, South Dakota; That portion of the Section line highway lying north of Interstate 90 known as Deadwood Avenue lying within 33 feet either side of the north-south section line between the Southeast quarter of Section 21 and the Southwest quarter of Section 22 and including the 17 foot wide dedicated right-of-way adjacent to Lot 1R Revised of Summit Industrial Park located in the NW1/4 SW1/4 of Section 22, T2N, R7E, BHM, Pennington County, South Dakota; That portion of the Section line highway known as Deadwood Avenue lying within 33 feet either side of the north-south section line between the Northeast quarter of Section 21 and the Northwest quarter of Section 22, T2N, R7E, BHM, Pennington County, South Dakota; That portion of the Section line highway known as Deadwood Avenue lying within 33 feet either side of the north-south line between the Southwest quarter of Section 15 and the Southeast quarter of Section 16, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north and east of US Interstate 90 and Deadwood Avenue within Sections 16, 21, 22, 23, 26, and 27.

No. LF111302-08 – Motion was made by Hadley, seconded by Kooiker and carried with Murphy voting NO to continue until December 2, 2002 a Resolution Canceling Checks or Warrants not Presented for Payment within Two Years of Date of Issuance.

Motion was made by Hanks, seconded by Waugh and carried with Kooiker voting NO to Approve the second precinct map presented to the Committee which keeps the wards intact but establishes new precincts within the wards and to direct staff to draft an ordinance setting forth the boundaries shown on said map and bring it back for first reading at the November 26, 2002, Legal and Finance Committee meeting.

No. LF111302-12 – Motion was made by Hanks, seconded by Kroeger and carried to Authorize Mayor and Finance Officer to Sign Agreement between Mark Knowles and City of Rapid City to Conduct a Technology Audit in an amount not to exceed \$8,500.

No. LF111302-13 – Motion was made by Hadley, seconded by Waugh and carried to approve a Resolution to Amend Non-Union Pay Plan Establishing the New Position of Patient Billing Services, Compliance and Contract Services Coordinator.

RESOLUTION TO ESTABLISH THE POSITION
OF PATIENT BILLING SERVICES, COMPLAINE AND CONTRACT
SERVICES COORDINATOR

WHEREAS, a job evaluation has been conducted utilizing the Factor Evaluation System methodology to establish the city's compensation plan; and,

WHEREAS, the evaluation established that the duties and responsibilities of the described position of Patient Billing Services, Compliance and Contract Services coordinator justify placing this classification in Grade 16 of the Non-Union pay scale;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the Non-Union Pay Plan by adding this position classification description at the Grade 16 as recommended in the job evaluation.

Passed this 18th day of November, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

No. CC111802-02 – Motion was made by Kroeger, seconded by Murphy to Approve a Resolution stating that three members of the Council will constitute a quorum at the committee meetings and that tabling motions at the committee level will not be forwarded on to Council. Alderman Kriebel reminded members there had been a suggestion of going to a Committee of five members, and supported the concept. Alderman Johnson suggested the committees be identified in the motion. Kroeger amended his motion to include the Public Works Committee and the Legal and Finance Committee. Second was made by Murphy. Alderman Kooiker believed the best option is to have five Council members on each committee, and if more attend they would have a vote. He suggested tabling motions be forwarded to Council. Substitution motion was made by Kooiker to have five members on each committee, and tabling motions forwarded to Council. Second was made by Kriebel. Discussion continued on tabling motions. City Attorney Altman suggested there was no advantage to having a committee of five, because a quorum on a committee of five is three. This will prohibit more committee members from attending unless there is some explicit provision that would allow additional members to show for a committee and have a vote. Kooiker amended his motion to include a provision that would allow additional members that attend to have a vote on the committee. Second was made by Kriebel. Discussion continued. Upon a roll call vote being taken on the substitute motion as amended, the following voted AYE: Hadley and Kooiker; NO: Murphy, Kriebel, Johnson, Waugh, Kriebel, Dreyer and Hanks. Motion failed on a 7 to 2 vote. City Attorney Altman clarified that a successful tabled motion will not be forwarded to Council regardless of the number of votes that are against tabling an item. Upon a roll call vote being taken on the original motion, the following voted AYE: Murphy, Johnson, Waugh, Kroeger, Dreyer and Hanks; NO: Hadley, Kriebel and Kooiker. Motion carried on a 6 to 3 vote.

RESOLUTION ESTABLISHING QUORUM AND
SETTING FORTH THE PROCEDURE FOR TABLING MOTIONS

WHEREAS, the City of Rapid City has adopted Robert’s Rules of Order to govern conduct at the meetings of the Common Council and the Legal and Finance and Public Works committees; and

WHEREAS, Robert’s Rules of Order require that a quorum is a majority of the members of the board or committee unless a different quorum is fixed; and

WHEREAS, the Legal and Finance Committee and the Public Works Committee are committees of the whole; and

WHEREAS, Rapid City Municipal Code § 2.08.090 allows modification of Robert’s Rules by resolution of the Common Council; and

WHEREAS, it is the desire of the Council to modify the number of members required for a quorum in order to more efficiently transact business; and

WHEREAS, it has been the policy of the Council, pursuant to resolution passed May 6, 2002, to place any tabling motions passed at either the Legal and Finance Committee meeting or the Public Works Committee meeting on the Council agenda for further consideration or action;

NOW, THEREFORE, BE IT RESOLVED that the Legal and Finance Committee and the Public Works Committee shall have designated as a quorum three members.

BE IT FUTHER RESOLVED that items laid on the table at either the Legal and Finance Committee or the Public Works Committee will not be forwarded on to the Council meeting, and that the Council resolution of May 6, 2002, indicating otherwise is hereby revoked.

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

Motion was made by Johnson, seconded by Waugh and carried to reconsider Item No. 130 (No. LF111302-15) Approve the energy policy brought forth by the Energy Committee.

Finance Officer Preston requested No. 130 (No. LF111302-15) Approve the energy policy brought forth by the Energy Committee be continued until December 2, 2002 as he had some concerns with the policy; whereupon Hanks moved to approve the request, seconded by Waugh and carried.

Public Hearings

No. CC111802-03 – The Mayor announced that the meeting was open for consideration of the assessment for Block 69 (Original Town) Alley Paving Project ST02-1167. Notice of hearing was published in the Rapid City Journal on November 15, 2002, and mailed to affected property

owners on October 31, 2002. No oral or written objections were submitted. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR
BLOCK 69 ALLEY PAVING (ORIGINAL TOWN)
PROJECT NO. ST02-1167

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 69 Alley Paving (Original Town) Project ST02-1167 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 18th day of November 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

Planning Department Consent Items

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

132. No. 01PL097 - A request by Dream Design International for a **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. (CONTINUED TO DECEMBER 2, 2002)
133. 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 DECEMBER 2, 2002)

134. 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. (CONTINUED TO DECEMBER 2, 2002)
135. 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 DECEMBER 2, 2002)
136. 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 DECEMBER 2, 2002)
137. 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. (CONTINUED TO DECEMBER 2, 2002)
138. 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. (APPROVE WITH THE

FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show additional drainage easements as needed; 2. Prior to Preliminary Plat approval by the City Council, revised water and sewer plans shall be submitted for review and approval. In addition, the plat document shall be revised to show additional utility easements as needed; 3. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; 4. Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Cambell Street except for the approved approach location; 5. Prior to Final Plat approval by the City Council, the plat document shall be revised to show ten additional feet of right-of-way along Cambell Street; 6. Prior to Final Plat approval by the City Council, the plat document shall be revised to show 23 additional feet of right-of-way along Philadelphia Street with the exception of the area currently occupied by existing building(s); 7. The Uniform Fire Code shall be continually met; 8. Prior to Final Plat approval by the City Council, the plat title shall be revised to delete "located in" and the following shall be included in the "formerly" description: SW1/4 SW1/4, Section 32, T2N, R8E, BHM"; 9. Prior to Final Plat approval by the City Council, the structure located on proposed Lot 2 shall be removed or a Variance to reduce the front yard setback from 35 feet to 8.5 feet shall be obtained or surety shall be posted to insure that the setback issue is addressed as identified; 10. Prior to Final Plat approval by the City Council, documentation shall be submitted indicating that Black Hills Power concurs with the proposed relocation of the 50 foot wide right-of-way utility easement; 11. Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement with the City stating that if the building or that portion of the building located within the north 23 feet of proposed Lot 2 is ever removed, the applicant shall dedicate the area as public right-of-way; 12. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; 13. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 14. Prior to Final Plat approval by the City Council, an Approach Permit for the Cambell Street access shall be obtained.

139. 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. (CONTINUED TO DECEMBER 2, 2002)
140. 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 DECEMBER 2, 2002)

142. 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 DECEMBER 2, 2002)
143. 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. (CONTINUED TO DECEMBER 16, 2002)
144. 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 DECEMBER 2, 2002)
145. 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 northwest of U.S. Highway 16 and Moon Meadows Road. (CONTINUED TO DECEMBER 16, 2002)
146. 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. (CONTINUED TO DECEMBER 2, 2002)
147. No. 02PL107 - A request by Williams and Associates for Black Hills Surgery Center, LLP for a **Layout, Preliminary and Final Plat** on Lot 6R, Lot 32R, and Lot 33R of Block 18 of Robbinsdale Addition No. 10 located in the S1/2 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as Lot 6, Lot 32 and Lot 33 of Block 18 of Robbinsdale Addition No. 10 located in the S1/2 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of 5th Street along Anamaria Drive. (CONTINUED TO DECEMBER 16, 2002)

148. No. 02PL108 - A request by Robert Looyenga for a **Layout, Preliminary and Final Plat** on Lot 35R, Lot 36R, and Lot 37R, Ponderosa Ridge Estates located in the N1/2 of the NW/4 Section 31, T2N, R7E, BHM, Pennington County, South Dakota; legally described as Lots 35, 36, and 37 of Ponderosa Ridge Estates located in the N1/2 of the NW1/4 Section 31, T2N, R7E, BHM, Pennington County, South Dakota, located at 6560 Sun Ridge Road and 1107 Wildlife Road. (CONTINUED TO DECEMBER 16, 2002)
150. No. 02PL110 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 2 thru 13 and Lots 16 thru 24, Block 8 of Northbrook Village Subdivision, located in the SE1/4 SE1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota; legally described as the unplatted portion of the SE1/4 SE1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota, located northwest of the intersection of Country Road and Nike Road. (CONTINUED TO DECEMBER 2, 2002)

END OF PLANNING CONSENT CALENDAR

The Mayor presented No. 02PL078, a request by Davis Engineering, Inc. for Ralph and Kathleen Rice for a **Preliminary and Final Plat** on Lot 9 Rev. Revised and Lot 10 A Revised of Vaughn's Subdivision, located in the S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota; legally described as Lot 9 Rev. and Lot 10 A all located in S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota, located 1/2 mile north of the Rushmore Mall and west of 143rd Avenue. Motion was made by Hanks, seconded by Kroeger to Deny without Prejudice, at the applicant's request. Alderman Kooiker spoke in opposition to the motion, as he believed the applicant had not been treated fairly. Upon a vote being taken on the motion, motion carried with Kooiker voting NO.

The Mayor presented No. 02PL109, a request by Centerline for 3 T's Land Development LLC for a **Final Plat** on Lot 14R, Lots 24 thru 30 and Lots 41 thru 48, Minnesota Ridge Subdivision located in SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as a portion of Tract C of Robbinsdale Additional No. 10 located in SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of Minnesota Street and 5th Street. Motion was made by Kooiker, seconded by Hanks to continue to December 2, 2002. Planning Director Elkins noted the applicant's request for a Special Council meeting. Discussion followed. Substitute motion was made by Dreyer, seconded by Hanks to set a Special Council meeting for November 26, 2002. Upon a roll call vote, the following voted AYE: Hadley, Kriebel, Kroeger, Dreyer and Hanks; NO: Murphy, Johnson, Waugh and Kooiker. Motion carried on a 5 to 4 vote.

The Mayor presented No. 02PL028, a request by Renner & Sperlich Engineering Co. for Robert E. Moore for a **Preliminary and Final Plat** on Lots 1 thru 15 of Kepp Heights Subdivision #4, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as Lot 15 of Kepp Heights Subdivision #3, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Flormann Street and Skyline Drive. Motion was made by Kooiker, seconded by Waugh to continue to January 6, 2003. Planning Director Elkins requested a continuance to December 2, 2002; whereupon Waugh moved to approve the request, seconded by Kroeger and carried with Alderman Hanks abstaining.

Motion was made by Hadley, and seconded to reconsider Item No. 149 (No. 02PL109), a request by Centerline for 3 T's Land Development LLC for a **Final Plat** on Lot 14R, Lots 24 thru 30 and Lots 41 thru 48, Minnesota Ridge Subdivision located in SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as a portion of Tract C of Robbinsdale Additional No. 10 located in SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of Minnesota Street and 5th Street. Motion carried with Hanks voting NO.

The Mayor presented No. 02PL109, a request by Centerline for 3 T's Land Development LLC for a **Final Plat** on Lot 14R, Lots 24 thru 30 and Lots 41 thru 48, Minnesota Ridge Subdivision located in SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as a portion of Tract C of Robbinsdale Additional No. 10 located in SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of Minnesota Street and 5th Street. Motion was made Hadley, seconded by Johnson to continue to December 2, 2002. Alderman Hadley reminded the members that Legal & Finance had been moved to Tuesday because of the Thanksgiving Holiday. Upon a roll call vote, the following voted AYE: Hadley, Murphy, Kriebel, Johnson, Waugh and Kooiker; NO: Kroeger, Dreyer and Hanks. Motion carried on a 6 to 3 vote.

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 Kooiker, seconded by Waugh and carried to continue to December 2, 2002.

Planning Department – Hearings

The Mayor presented 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. Motion was made by Kooiker, seconded by Waugh and carried to continue to December 2, 2002.

The Mayor presented No. 02CA053, a request by Williams and Associates for Black Hills Surgery Center, LLP for an **Amendment to the Comprehensive Plan to the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a .2141 acre parcel from Medium Density Residential District to Office**

Commercial with a Planned Commercial Development 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, located along Anamaria Drive west of 5th Street. Motion was made by Kooiker, seconded by Hanks and carried to continue to December 16, 2002.

The Mayor presented No. 02CA054, a request by Doug Sperlich for 16 Plus, LLC for an **Amendment to the Comprehensive Plan to revise the Major Street Plan** on Tract 2 less Lot H1 of Pioneer Subdivision and the W1/2 NE1/4 less a portion of Lot H1 and less Lot H-2 of the SW1/4 NE1/4; E1/2 NW1/4 less a portion of Lot H1, Pioneer Subdivision, located in Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of U.S. Highway 16 and Moon Meadows Road. The following Resolution was introduced, read and Kooiker 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 18th day of November, 2002 to consider an amendment to the Comprehensive Plan to revise the Major Street Plan on Tract 2 less Lot H1 of Pioneer Subdivision and the W1/2 NE1/4 less a portion of Lot H1 and less Lot H-2 of the SW1/4 NE1/4; E1/2 NW1/4 less a portion of Lot H1, Pioneer Subdivision, located in Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, 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 18th 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 Waugh. The following voted AYE: Hadley, Murphy, Kriebel, Johnson, Waugh, Kroeger, Dreyer, Hanks and Kooiker; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 02CA055, a request by Wyss Associates, Inc. for West Hills Village for an **Amendment to the Comprehensive Plan to the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on an 4.301 acre parcel from Low Density Residential to Medium Density Residential** 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, located west of 5th Street along Alta Vista Drive. Motion was made by Kooiker, seconded by Waugh and carried to Deny without prejudice.

The Mayor presented No. 02CA056, a request by the City of Rapid City for an **Amendment to the Comprehensive Plan to change the future land use designation on a 3.585 acre parcel from Residential Land Use designation to General Commercial Land Use designation** 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, located north of US Interstate 90 and west of Haines Avenue. The following Resolution was introduced, read and Kooiker 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 18th day of November, 2002 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 3.585 acre parcel from Residential Land Use designation to General Commercial Land Use designation 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, located north of US Interstate 90 and west of Haines Avenu); 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 18th day of November, 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 Waugh. The following voted AYE: Hadley, Murphy, Kriebel, Johnson, Waugh, Kroeger, Dreyer, Hanks and Kooiker; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 02PD057, 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, located southwest of the intersection of Fifth Street and Anamaria Drive. Motion was made by Kroeger, seconded by Murphy and carried to approve the Amendment with the following stipulations: 1. Prior to issuance of a building permit, a grading and drainage plan for the proposed additions(s) shall be submitted for review and approval; 2. Prior to issuance of a building permit, water and sewer line plans and profiles shall be submitted for review and

approval; 3. The proposed additions shall be fully fire alarmed and fire sprinklered. In addition, the plans for the fire alarm(s) and fire sprinklered system shall be submitted to the Fire Department for review and approval prior to installation; 4. Prior to issuance of a building permit, the site plans shall be revised to show an additional fire hydrant located on the south or west side of the building; 5. All previous conditions of approval for Final Commercial Development #1552 and the subsequent Major Amendment to the Planned Commercial Development #01PD023 shall be continually met; 6. The proposed additions(s) shall conform architecturally to the plans and elevations submitted as part of this Major Amendment to the Planned Commercial Development; 7. Prior to issuance of a building permit, the parking plan shall be revised to show a minimum of five handicap parking spaces with one of the handicap spaces being van accessible; and, 8. Prior to Planning Commission approval, complete information regarding the air handling equipment shall be submitted for review and approval.

The Mayor presented No. 02SV015, a request by Renner & Sperlich Engineering Co. for Robert E. Moore for a **Variance to the Subdivision Regulations to allow lots twice as long as they are wide and to waive the requirement to install pavement, curb and gutter, water, sewer, street light conduit and sidewalks** on Lots 1 thru 15 of Kepp Heights Subdivision #4, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as Lot 15 of Kepp Heights Subdivision #3, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Flormann Street and Skyline Drive. Motion was made by Kooiker, seconded by Murphy and carried with Alderman Hanks abstaining to continue to December 2, 2002.

The Mayor presented No. 02SV026, a request by Fisk Land Surveying & Consulting Engineers for the North Haines Volunteer Fire Department for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, curb and gutter, street lights, dry sewer and water mains as regulated by Section 16.16 of the Subdivision Regulations on 143rd Street and Country Road** on Lot 1, North Haines II Subdivision, located in the SE1/4 SE1/4 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; legally described as GL 4 less ROW; the unplatted balance of the SE1/4 SW1/4; the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Country Road and 143rd Street. Motion was made by Kooiker, seconded by Johnson and carried to continue to December 2, 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. 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. Revised and Lot 10 A of Vaughn's Subdivision, located in the S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota, located 1/2 mile north of the Rushmore Mall and west of 143rd Avenue. Motion was made by Hanks, seconded by Kroeger and carried with Kooiker voting NO to deny without prejudice.

The Mayor presented No. 02VE013, 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. The following resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION OF VACATION OF DRAINAGE AND UTILITY EASEMENT

WHEREAS it appears that a portion of the drainage and utility easement on Lot 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, is not needed for public purposes; and

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

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

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

Dated this 18th day of November, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The Mayor presented No. 02VR005, a request by Doug Sperlich for Jeff Stone 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, located at the current terminus of Broadmoor Drive. Motion was made by Kooiker, seconded by Johnson and carried to continue to December 2, 2002.

Ordinances & Resolutions

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, seconded by Waugh that the title be read the second time. The following voted AYE: Hadley, Murphy, Kriebel, Johnson,

Waugh, Kroeger, Dreyer, Hanks and Kooiker; NO: None, whereupon the Mayor declared the motion passed upon its second reading.

The Mayor presented No. 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 less the south 480 feet of the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the east 167.6 feet of the south 480 feet of the SW1/4 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 21, 2002, it was moved by Hadley, seconded by Johnson that the title be read the second time. The following voted AYE: Hadley, Murphy, Kriebel, Johnson, Waugh, Kroeger, Dreyer, Hanks and Kooiker; NO: None, whereupon the Mayor declared the motion passed upon its second reading.

No. 02RZ061 – Second Reading, **Ordinance 3880**, a request by the City of Rapid City 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, located north of US Interstate 90 and west of Haines Avenue having passed the first reading on November 4, 2002, it was moved by Hadley, seconded by Hanks that the title be read the second time. The following voted AYE: Hadley, Murphy, Kriebel, Johnson, Waugh, Kroeger, Dreyer, Hanks and Kooiker; NO: None, whereupon the Mayor declared the motion passed upon its second reading.

The Mayor presented No. 02RZ062, second reading of **Ordinance 3881**, a request by Williams and Associates for Black Hills Surgery Center, LLP 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, located west of 5th Street along Anamaria Drive. Motion was made by Hadley, seconded by Waugh and carried to continue to December 16, 2002.

No. 02RZ063 - Second Reading, **Ordinance 3882**, a request by Steven Jones for Beverly Healthcare Center 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, located at 916 Mountain View Road. Motion was made by Hadley, seconded by Waugh and carried to continue to December 2, 2002.

No. 02RZ064 - Second Reading, **Ordinance 3883**, a request by Wyss Associates, Inc. for West Hills Village 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, located along Alta Vista Drive. Motion was made by Hadley, seconded by Waugh and carried to Deny without Prejudice.

Ordinance 3884 (No. 02RZ065), a request by Dream Design International Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described by metes and bounds as follows: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; Thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 feet; thence N11°40'26"E 155.33 feet; thence N21°22'17"E 120.00 feet; thence S68°37'43"E 160.00 feet; thence S21°22'17"W 120.00 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 12°43'49", an arc length of 38.77 feet to a point of tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 34°44'55", and arc length of 105.83 feet to a point of reversed curvature; thence southerly along the arc of said curve to the right whose radius is 125.50 feet and whose delta is 19°48'27", an arc length of 43.39 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point Of Beginning; containing 1.94

acres more or less., more generally described as being located along the extension of Birkdale Road off Muirfield Drive. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3884 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, December 2, 2002 at 7:00 P.M.

Ordinance 3885 (No. 02RZ066), 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 Tract B of Minnesota Ridge Subdivision, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of 5th Street and Ana Maria Drive along Alta Vista Drive. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3885 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, December 2, 2002 at 7:00 P.M.

Ordinance 3886 (No. 02RZ067), a request by Pine Lawn Memorial Park, Inc. to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on Lot B of "Lots A & B, Section 14, T1N, R7E", less Lot H1-E²SW⁴14-1-7 and less Lot H1-Lot B SW⁴14-1-7, all located in the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 4301 Tower Road. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3886 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, December 2, 2002 at 7:00 P.M.

Ordinance 3887 (No. 02RZ068), a request by Dream Design International, Inc. to consider an application for a **Rezoning from Office Commercial District to General Commercial District** on the west 230 feet of the SE1/4 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Homestead Street and Elk Vale Road. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3887 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, December 2, 2002 at 7:00 P.M.

Ordinance 3888 (No. 02RZ069), a request by Dream Design International, Inc to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on that portion of the south 480 feet of the east 948 feet of the SE1/4 of the NW1/4 of Section 3, T1N, R8E, BHM, lying within the City of Rapid City, South Dakota; and the west 1152.4 feet of the south 480 feet of the SW1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Homestead Street and Elk Vale Road. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3888 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, December 2, 2002 at 7:00 P.M.

Ordinance 3889 (No. 02RZ070), a request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Heavy Industrial District** on the east half of Sedivy Lane lying in the SE1/4 of Section 5 adjacent to Lot 4 in the SE1/4 of Section 5, T1N, R8E,

BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of E. St. Patrick Street and south of SD Highway 44. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3889 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, December 2, 2002 at 7:00 P.M.

Legal & Finance Committee Items

No. LF111302-14 – Motion was made by Hadley, seconded by Waugh to Continue Proposal for Halley Park Nomination to the National Register of Historic Places to the November 26 Legal and Finance Committee meeting. Substitute motion was made by Dreyer, seconded by Johnson and carried to table this item.

Finance Officer

Motion was made by Johnson, seconded by Waugh and carried to Approve the following licenses: Central Service Station: Peace Keeper Security, Inc., Ryan Schuler; Plumber: Scott Piebenga, Doug Pokorney; Residential Contractor: C. Michael Homes, Inc., Chris Johnson; Highmark Engineering, Inc., Gerald (Dale) Schuelke; Mountain Movers Construction, Inc., Jacqueline Ann Nettleton; Security Business: DECO Security Services, Inc., Keith L. Emerson; RAM Security & Patrol, Ryan J. Hunter.

Bills

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

Payroll Ending 11-2-02, Paid 11-8-02	567,565.15
Pioneer Bank & Trust, taxes Paid 11-8-02	138,029.20
First American Administrators, claims Paid 11-5-02	68,350.37
First American Administrators, claims Paid 11-13-02	237,335.76
Berkley Administration, claims Paid 11-6-02	21,447.79
Montana Dakota Utilities, gas	1,231.75
Wells Fargo Corporate Card, travel	109.45
US Post Master, billing postage	2,200.00
Computer Bill List	3,652,980.29
Total	\$4,689,249.76
Payroll Ending 11-2-02, Paid 11-8-02	2,552.81
Pioneer Bank & Trust, taxes Paid 11-8-02	191.41
City of Rapid City, postage	5.91
City of Rapid City, health insurance	608.56
PhilFleet, gas	113.58
SD Retirement Fund, pension	269.56
Standard Life, insurance	7.92
Dean Kurtz Construction Company, CCO No. 01, Transit Shelters	445.00
Total	\$4,693,444.51

As there was no further business to come before the Council at this time, the meeting adjourned at 8:55 P.M.

CITY OF RAPID CITY

ATTEST:

Finance Officer

(SEAL)