

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
January 6, 2003

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, January 6, 2003 at 7:00 P.M.

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

Motion was made by Rodriguez and seconded by Murphy to correct the minutes of December 16, 2002 to show that Phil Olsen, not the City Attorney, stated he was going back to the Appeals Board on behalf of Tower Ridge, LLC, approve the minutes of December 27th with the correct legal description for the plat for Tower Ridge 2; and approve the minutes of December 16, December 23 and December 30, 2002. Substitute motion was made by Kooiker, seconded by Hadley and carried to **amend the minutes** of December 16, 2002 to add the following after the motion to go into executive session: "Hadley stated that there was no point in going into executive session to discuss a personnel matter if the city refused to admit that a written reprimand existed. Kooiker asked Finance Officer Preston if he had a copy of the letter of reprimand. Mr. Preston responded yes"; Correct the minutes of December 16, 2002 to show that Phil Olsen, not the City Attorney, stated he was going back to the Appeals Board on behalf of Tower Ridge, LLC, approve the minutes of December 27th with the correct legal description for the plat for Tower Ridge 2; and approve the minutes of December 16, December 23 and December 30, 2002.

Bid Opening

The following vendor submitted a bid for No. CC010603-02 – **2003 Police Vehicle Contract** for Full Size Police Package Sedans which was opened on January 3, 2003: McKie Ford. Staff has reviewed the bid and recommends award. Motion was made by Rodriguez, seconded by Hadley and carried to award the bid for police vehicles to McKie Ford, the only bidder, based on their unit prices bid, as follows: \$21,212.00 per vehicle for seven vehicles, less the total trade in amount of \$20,700, for a total contract amount of \$127,784.

Police Chief Tieszen also requested that the Council authorize the purchase of one Dodge Durango from the State Bid List at a cost of \$21,152. This item will be an unmarked administrative vehicle initially assigned to the Mayor and the associated costs are in the 2003 budget. Motion was made by Rodriguez and seconded by Waugh to approve the purchase. Substitute motion was made by Kooiker and seconded by Hadley to refer this item to the Legal & Finance for discussion. Upon vote being taken, the substitute motion carried with Johnson and Rodriguez voting no.

Bid Award

Motion was made by Rodriguez, seconded by Hanks and carried to award the purchase of seven current year model **ambulances** to Midwest Vehicle Professionals, Inc. for a total contract amount of \$579,997 (No. SC122702-06).

Mayor's Items

Council President Kroeger presented the **Citizen of the Month Award** to Teresa Geraets and commended her for outstanding volunteer service to the community.

Kroeger explained that several months ago, Mayor Munson, Bill Waugh and Ron Kroeger met with Dr. Wharton and leadership from the School Board to find a way to create more youth interest and involvement in local government. To that end, beginning in 2003, a new program has been implemented. A representative from Central High School, Stevens High School and the Jefferson Academy will be present at each Council meeting. These students will address the concerns of youth in the community and bring issues to the Council which they feel are important. Casey Jones, Grant Kettering and Yashreka Huk were present at the meeting and expressed great interest and excitement over the new program.

Phil Cross, President of **Soccer Rapid City** presented the City with a check in the amount of \$25,000 which is the final payment from the grant for the Phase 3 Development at Sioux Park.

Motion was made by Hadley, seconded by Johnson and carried to approve the Mayor's appointment of the following individuals to the newly formed **Ordinance Review Committee**: Tom Murphy, Martha Rodriguez, Bill Waugh, Ted Vore, Mike Booher, Vicki Fisher and Coleen Schmidt.

Motion was made by Hanks, seconded by Waugh and carried to approve the Mayor's appointment of Kevin Buntrock to the **RSVP Advisory Board**.

Rod Johnson updated the Council on **2012 projects** that are under construction at the present time.

Aldersperson Items

Motion was made by Kriebel and seconded by Hadley to take the issue relative to Phil Olsen's **Tower Ridge 2** issue with the Development Appeals & Review Board off the table (from December 16, 2002). Dreyer abstained from discussion or voting on this item. Upon vote being taken, the motion carried unanimously. Olsen explained that he appeared before the DARB, but they would not hear his issue because the item was tabled by the City Council. George Dunham, Chairman of the DARB, stated that Olsen has indicated there is new information relative to this issue. The DARB is willing to hear the appeal, if that is the wish of the City Council. Motion was made by Johnson, seconded by Waugh and carried to refer this item to the Development Appeals & Review Board for discussion.

Tom Johnson stated that he would like staff to prepare a list of the questions that were raised by property owners in the proposed **airport annexation area**, with the appropriate answers. This information should then be mailed to the affected property owners. Johnson also suggested that a meeting be held in the Rapid Valley area relative to the proposed annexation. Kooiker suggested that the city wait until after the County Commission has met on this item before another mailing is done. There may be legislation introduced during the next legislative session that would allow cities to annex airports without the property being contiguous. This would take care of the city's concerns and perhaps the annexation in its present form would not proceed. Motion was made by Johnson, seconded by Hadley and carried to direct staff to compile a list of questions and answers for the people in Rapid Valley and to research the possibility of having a public meeting in Rapid Valley as well.

Alcohol License Applications

Upon motion made by Johnson, seconded by Rodriguez and carried, the Finance Officer was directed to publish notice of hearing on the application of **Rushmore Soccer Club, Inc.** for a special malt beverage license to be used at the Knights of Columbus Hall, 910 Fifth Street, on February 1, 2003, during a community fund raiser, said hearing to be held on Monday, January 20, 2003 at 7:00 P.M.

Consent Calendar

The following items were removed from the Consent Calendar:

7. No. PW123002-05 - Authorize Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with FMG, Inc. for Final Design Services for SSW02-1137, Southeast Connector (S), Hwy. 44 to Hwy. 79 for an amount not to exceed \$41,639.95.
11. No. 02VE014 – Approve a Vacation of Utility and Minor Drainage Easement for only the portion of the easement that is occupied by the residential structure for petitioner Rick Harter on Lot 19 of Block 4 of County Heights Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington Count, South Dakota, located at 4906 Butte Circle.
18. No. LF123002-16 - Approve the audio-video final update for the City Council Chambers and authorize staff to go out for bids contingent upon school board approval on January 14, 2003.

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

Public Works Committee Items

3. No. PW123002-01 – Authorize staff to advertise for bids for ST02-919, Centennial Street Reconstruction Project.
4. No. PW123002-02 - Authorize staff to advertise for bids for ST02-1163, Texas Street Reconstruction Project.
5. No. PW123002-03 – Authorize Mayor and Finance Officer to sign Dakota, Minnesota & Eastern Railroad License Agreement #120902 for SSW02-1106, Omaha Street Utility Project, 12th Street to East Boulevard at Hubbard/Con Agra Spur.
6. No. PW123002-04 - Authorize Mayor and Finance Officer to sign Dakota, Minnesota & Eastern Railroad License Agreement #121302 for SSW02-1106, Omaha Street Utility Project, 12th Street to East Boulevard at Pressler Junction.
8. No. PW123002-06 - Authorize Mayor and Finance Officer to sign a Professional Service Agreement with TSP to Design, ST03-1161, Bridge Milling, Overlays and Repainting Project for an amount not to exceed \$18,292.50, plus reimbursable expenses.
9. No. PW123002-07 - Authorize Mayor and Finance Officer to sign an Agreement Waiving Right to Protest an assessed project with Wendy's of Colorado Springs.
10. No. PW123002-08 – Approve an Initial Resolution Setting Time and Place for Hearing for ST03-1278, Block 16 Wise Addition Alley Paving Project.

INITIAL RESOLUTION FOR
BLOCK 16 ALLEY PAVING (WISE ADDITION) PROJECT NO. ST03-1278

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

1. This Council deems it necessary to improve by paving approximately 520 linear feet of alley located in Block 16, Wise Addition, as outlined in the proposed Resolution of Necessity for Block 16 Alley Paving (Wise Addition) Project ST03-1278, which is on file with the Finance Officer. Sixty percent (60%) of the costs for such improvements will be assessed to the affected property owners on an equal benefit basis.

2. This Council will meet at the City/School Administration Center in the City of Rapid City, South Dakota, on Monday the 3rd day of February, 2003 at 7:00 P.M. for the purpose of considering any objections to such proposed Resolution of Necessity. The Finance Officer is directed to give notice of such meeting by publishing the time

and place of such meeting once each week for two successive weeks in the official newspaper of the City.

Dated this 6th day of January, 2003.

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

THE CITY COUNCIL
s/ Jerry Munson, Mayor

Legal & Finance Committee

12. No. LF123002-01 - Authorize Mayor and Finance Officer to sign Agreement for Independent Contractor Services with Dr. Robert Looyenga.
13. No. LF123002-02 - Authorize Mayor and Finance Officer to sign Agreement for Independent Contractor Services with Dr. Jack Gaines.
14. No. LF123002-03 - Authorize Mayor and Finance Officer to sign Commercial Lease Agreement with Safety Plaza, for the purpose of operating an ambulance service.
15. No. LF123002-04 - Authorize Mayor and Finance Officer to sign Agreement for Independent Contractor Services with Educational Leadership & Evaluation.
16. No. LF123002-05 - Authorize Mayor and Finance Officer to sign Agreement with SimplexGrinnell to conduct a biennial test of the smoke detectors at the Dahl Center.
17. No. LF123002-06 - Approve Resolution Establishing 2003 Golf Course Fees.

RESOLUTION ESTABLISHING 2003 GOLF COURSE FEES

BE IT RESOLVED by the City of Rapid City that the following fees are established for use at the Rapid City Municipal Golf Courses, to be effective from **January 1, 2003, through December 31, 2003.**

- (1) Meadowbrook Golf Course Daily Green Fees (Includes sales tax and development fee)

	<u>2002</u>	<u>2003</u>
9 - Hole Weekday	\$14.50	\$15.25
9 - Hole Weekend/Holiday	\$17.25	\$18.00
9 - Hole Jr./Sr. Weekday	\$10.75	\$11.25
18 - Hole Weekday	\$25.50	\$26.75
18 - Hole Weekend/Holiday	\$28.50	\$29.75
18 - Hole Jr./Sr. Weekday	\$20.50	\$21.50

- (2) Meadowbrook Golf Course Season Passes / Punch Cards / Range Passes (Season Passes do not include development fee or sales tax.) (Punch Cards include sales tax.)

	<u>2002</u>	<u>2003</u>
Adult Single	\$475.00	\$495.00
Adult Couple	\$760.00	\$790.00
Senior Single (Weekdays Only)	\$405.00	N/A
Senior Single (Anytime)	\$425.00	\$445.00
Senior Couple	\$660.00	\$690.00
Each Additional Family Member	\$ 75.00	N/A
City Employee Season Pass	\$145.00	\$245.00

Child (14 & Under)	\$ 90.00	\$ 90.00
Junior (15-18)	\$145.00	\$150.00
School Team	\$ 55.00	\$ 60.00
Driving Range Unlimited (25 Lg Bags)	\$175.00*	N/A
Driving Range Unlimited (With Pass)	\$110.00*	NA
Range Balls (Small Bag)	\$ 2.50*	\$ 4.00*
Range Balls (Large Bag)	\$ 4.00*	\$ 6.00*
Range Balls (50 small Bag Card)	NA	\$108.00 (a)
25-9 Hole Punch Card	\$330.00*	\$330.00* (a)
All City Pass	\$ 65.00	\$ 60.00
* includes sales tax		

(3) Meadowbrook Golf Course Cart Storage / Cart Rental / Trail Fees / Lockers

	<u>2002</u>	<u>2003</u>
Gas Cart Storage	\$275.00**	\$290.00**(b)
Electric Cart Storage	\$295.00**	\$310.00**(b)
Trail Fee Annual	\$180.00**	\$185.00**
Trail Fee Daily	\$ 12.00*	\$ 12.00
Cart Rental (9 Hole)	\$ 14.00*	\$ 14.00* (c)
Cart Rental (18 Hole)	\$ 24.00*	\$ 25.00* (c)
Yearly Cart Rental	\$525.00**	\$600.00** (c)
Lockers	\$ 40.00**	\$40.00**

* includes sales tax

** does not include sales tax

(4) Executive and LaCroix Links Daily Green Fees (Includes sales tax and development fees)

<u>Executive</u>	<u>2002</u>	<u>2003</u>
9 – Hole Weekday	\$9.00	\$9.50
9 – Hole Weekend	\$9.00	\$9.50
Child (14 & Under)	NA	\$5.00
 <u>LaCroix Links</u>	 <u>2002</u>	 <u>2003</u>
9 – Hole Weekday	\$8.00	\$8.50
9 – Hole Weekend	\$8.00	\$8.50
Child (14 & Under)	NA	\$5.00

(5) Executive and LaCroix Links Season Passes / Punch Cards / Cart Rentals

	<u>2002</u>	<u>2003</u>
12 – 9 Hole Punch Card	\$ 85.00*	\$ 90.00* (a)
25 – 9 Hole Punch Card	\$150.00*	\$155.00* (a)
50 – 9 Hole Punch Card	\$275.00*	\$285.00* (a)
Adult Single	NA	\$440.00**
Adult Couple	NA	\$565.00**
Senior Single	\$375.00**	\$390.00**
Senior Couple	\$500.00**	\$520.00**
Junior (15-18)	\$125.00**	\$125.00**
Child (14 & Under)	\$ 80.00**	\$ 80.00**
Cart Rental (Per 9–Hole)	\$ 8.00*	\$ 7.00*

- * includes sales tax
- ** does not include sales tax

BE IT FURTHER RESOLVED by the City of Rapid City that the following Development Fees are established for use at the Rapid City Municipal Golf Courses, effective from **January 1, 2003, through December 31, 2003:**

Development Fees: (Do Not include tax)

	<u>2002</u>	<u>2003</u>
Meadowbrook (9 Hole):	\$0.93	\$0.93
Meadowbrook (18 Hole)	\$1.86	\$1.86
Executive/LaCroix (9 Hole)	\$0.47	\$0.47

The development fee is included in the daily green fees. The development fee is NOT included in the punch card or the season pass fee and will be charged to all season pass holders and punch card holders at tee time. This fee will be used for course improvements only.

BE IT FURTHER RESOLVED that as used in this Resolution,

1. Child passes shall be good weekdays only and include play on weekdays at Executive and LaCroix Links.
2. Junior Passes shall be for persons 15-18 years old or area students living at home to age 23. Junior passes are good at all three courses.
3. "All City" passes are available for Meadowbrook Season Pass Holders. An additional \$65.00 per person fee allows the pass holder to play at all three municipal golf courses and applies to the following season pass holders: Adult Single; Adult Couple; Senior Single and Senior Couple.
4. Cart usage is limited to two (2) carts per group.

BE IT FURTHER RESOLVED that the golf pro is hereby authorized to offer special rates for play on Meadowbrook, Executive and LaCroix Links as he shall determine to be appropriate for the purpose of encouraging play on said courses.

Footnotes:

- (a) Punch cards will be good for current year only.
- (b) Cart storage will be granted only to golf season pass holders
- (c) Sharing of carts will be allowed at no additional cost.

DATED this 6th day of January, 2003.

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

THE CITY COUNCIL
s/ Jerry Munson, Mayor

19. No. LF123002-10 - Approve the following abatement: Black Hills Corporation, 2001, \$2,064.30.
20. No. CC010603-01 – Approve the following licenses: Central Station Service; ADT Security Services, Inc., Sherry McInnes (West Henrietta, NY); ADT Security Services,

Inc., Sherry McInnes (Aurora, CO); ADT Security Services, Inc., Sherry McInnes (Kansas City, MO); ADT Security Services, Inc., Sherry McInnes (Bradenton, FL); ADT Security Services, Inc., Sherry McInnes (Papillion, NE); All American Monitoring, Robert J. Keefe; Central Station Incorporated, Mary Jones; Electro Watchman, Inc., Dick Bertram; Vector Security, Inc., Jim Simons; Commercial Refuse: A & C Kieffer Sanitation, Inc., Alan & Cliff Kieffer; Electrical Apprentice: Steve Backen, Patrick Beem, Dustin Beranek, Michael Blue, Harlan Bossman, Eric Bresee, Jeremy Cook, Ronald Foster, Matt Gearhart, James Gregory, Philip Hawki, David A. Hodina, Chad Jensen, Chad M. Kepler, Jerred Kerner, Tim Kubo, Cory G. Levin, Jeramy D. McCully, Nathan Millard, Cody Minnerath, Dustin Namanny, Kenneth Nelson, Jay Noteboom, Justin Rantapaa, Troy Riegel, Dana Ringgenberg, Lee Steenberg, Ryan Swanson, Travis Turbak, Dan Udager, Greg Van Osdel, Brian K. Voorhees, Nathan Weidner, James Wilson; Electrical Contractor: Advanced Electrical, Inc., Thomas J. Gagliano; Arne Electro-Tech, Steven Arne; Barry's Electric Service, Inc., Barry Tolsma; Baumgartner's Consulting, Kevin Baumgartner; City of Rapid City, Gerald W. Nuber; H/N Electric, Terry N. Haskell; MLH Electric, William Herbst; Mick's Electric, Michael "Mick" Nagel; Morford Electric, Donald Morford; Inactive Master Electrician: Harlan E. Nielsen; Master Electrician: Steven Arne, Kevin Baumgartner, Robert Baumiller, Thomas J. Gagliano, Bernard Hall, Dean Hartford, Terry N. Haskell, William Herbst, Jeffrey Larus, Donald Morford, Michael R. Nagel, Gerald W. Nuber, Barry Tolsma; Gas Contractor: Dave J. McCarthy, McCarthy Services; Journeyman Electrician: Daniel D. Anderson, Tyler Bayne, John Breckenridge, Mark Brodrick, Daniel W. Cook, Clint Hansen, Jerry Harp, Scott Harris, Rick Harter, Rick Jensen, Jeffrey D. Johnson, Craig Kratovil, Wilbert J. Leuthold, Jr., Greg Morford, Leo E. Rawstern, Doug Ruffedt, Shawn Shannon, Mike Shorb, Vic Sprenger, Travis W. Swift, Les Thayer, Michael Torres, Cody Warren, Jack A. Wenger, Jr., Joe Wolken, Calvin Yockey; Gas Contractor: Steve Armour, Mike's Mobile Home Service; Chino Caekaert, A T Z Maintenance & Repair; Roy Follum, Follum Supply; Quentin E. Kubas, Montana-Dakota Utilities Co.; Duane Lassegard; Cenex Oil Company; Ronald Ryman, D & R Service, Inc.; Gas Fitter: Justin Burke, Roland W. Fielder, Alphonse Fleck, Steve Hyk, Ken Kenitzer, Ernie Kouba, Ronald Kramer, John B. Miller, Kevin Morris, Lonny Ryman, Loren Ryman, Ralph Schad, Wade Smith, George Thompson, Nick Walenta, Allen Weinand; Gas Fitting Apprentice: Kevin Bad Wound, Todd Dietrich, Darrin Esser, Nick Williams; Mechanical Apprentice: PJ Sloan; Metals and Gems: Best Pawn, Inc., Bruce R. McKinney; Silver Mountain Coins, Jack Meyer; Mobile Home Court: Brookdale Mobile Home Estates, Brenda Draper; Cherry Avenue Mobile Park, Don & Marlene Kechely; Golden Acres, Terry A. Whitmyre; Hillview Mobile Home Court, Lyle Hendrickson; Palmer Mobile Home Court, Raymond Palmer; Pleasant Acres Mobile Home Court, Gail V. Miller; R J Country Court, Judy Shafer, Ross Rohde; Richland Mobile Home Estates, Dennis Frickel; Pawn Shop: Best Pawn, Inc., Bruce R. McKinney; First National Pawn, Inc., Barbara Brown (935 E. North Street); First National Pawn, Inc., Barbara Brown (320 East Boulevard); Residential Contractor: Bret J. Burgher, Black Hills Professional Services; Scott Hadcock, Hadcock Construction, Inc.; Charles Pike, CP Construction; William Thompson, Western SD Community Action; Gregory J. Whalen, Whalen Construction Co., Inc.; Second Hand: Best Pawn, Inc., Bruce R. McKinney; Big K Furniture, Kenneth D. Sheffield; game Exchange, Jacaline K. Sales; Haggerty's, Inc., Thomas J. Haggerty; Jack First, Inc., Martin A. Errea; Play It Again Sports, Jim M. Thomson; sound Bytes Music, Thomas Anderson; Treasure Chest, Shawna C. Maxfield; Security Business: Rochester Armored Car Co., Inc., Mark Clarke; Sign Contractor: Black Hills Tent & Awning, Donald E. Mattson; Budget Signs, Lanny Iwan; Conrad's Big C Signs, Ron Conrad; Epic Outdoor Advertising LLP, Brendan Casey; Epcon Sign Company, Mark Lynde; Gordon Sign, Robert Monger; Imperial Signs, Inc., John Lipp; Lamar Outdoor Advertising, Doug Rumpca; Pride Neon, Inc., George Menke; Red Letter Signs, Andrew C. Hade; Rosenbaum's Signs, Thomas J. Farrar; Scull Construction Service, Inc., James L. Scull, Jr.; Sign Service & Supply, Todd Koehne; Stagecoach West Sign, Herman F. Jones; Travel Park:

- Countryside RV Park, Eugene F. Boettger; Lake Park Campground and Cottages, Sherry & Scott Nelson.
21. No. LF123002-12 - Approve appointment of Robert Warax and Bob Rothermil to the Trenching Board.
 22. No. LF121102-26 - Approve appointment of James Jackson & Brian Peterson to the Downtown Historic Sign Board and reconfirm appointment of the remaining members.

End of Consent Calendar

Motion was made by Rodriguez and seconded by Hanks to authorize Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with FMG, Inc. for Final Design Services for **SSW02-1137**, Southeast Connector (S), Hwy. 44 to Hwy. 79 for an amount not to exceed \$41,639.95 (No. PW123002-05). Kooiker opposed the Amendment because of the amount of increase in the contract. Bjerke explained that typically, the city enters into a contract with an engineering company for preliminary engineering for a project. When the scope of the project has been defined, the contract is amended to include the costs for design work on the project. Upon vote being taken, the motion carried with Kooiker voting no.

The next item discussed by the Council was No. 02VE014, a **Vacation of Utility and Minor Drainage Easement** for Rick Harter, located at 4906 Butte Circle. The following Resolution was introduced, read and Hanks moved its adoption:

RESOLUTION OF VACATION OF DRAINAGE AND UTILITY EASEMENT

WHEREAS it appears that a portion of the utility and minor drainage easements on Lot 19 of Block 4 of County Heights Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 4906 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 6th day of January, 2003.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The next item before the Council was No. LF123002-16 dealing with the audio-video system for the Council Chambers. Motion was made by Hanks and seconded by Rodriguez to approve the audio-video final update for the City Council Chambers and authorize staff to go out for bids contingent upon school board approval on January 14, 2003. Finance Officer

Preston stated that the estimated cost for this project is \$302,000. Upon vote being taken, the motion carried with Kooiker voting no.

Planning Department Consent Items

Motion was made by Rodriguez, seconded by Murphy and carried to approve the recommendation contained in the Council Packet for the following items:

23. No. 02AN011 – Approve the request by Black Hills Corporation for a **Petition for Annexation** on property located south of Catron Boulevard, east of SD Highway 16 and west of SD Highway 79.

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 47.04 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

That portion of the NW1/4SW1/4 lying south of highway right-of-way less Lot H1; and, the SW1/4SW1/4 less right-of-way, all located in Section 24, T1N, R7E, BHM, Pennington County, South Dakota

Dated this 6th day of January, 2003.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

24. No. 02PL029 - A request by Davis Engineering for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Reservoir Road and Longview Drive. (CONTINUE TO FEBRUARY 3, 2003)
25. No. 02PL047 - A request by Wyss Associates, Inc. for a **Layout Plat** on Lots 1 thru 22, Block 1; Lots 1 thru 4, Block 2; Lot 1 thru 18, Block 3; Pine View Terrace, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 2; Tract 4 less Lot H1, Pine View Terrace, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of Southwest Middle School, 4501 Park Drive. (CONTINUE TO FEBRUARY 3, 2003)
26. No. 02PL051 - A request by CSU Properties, LLC for a **Preliminary and Final Plat** on Lot 1 of Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot RU-9A, Lots 1 thru 4 of

Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th Street ROW and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in the southeast corner of the intersection of 5th Street and North Street. (CONTINUE TO JANUARY 20, 2003)

27. No. 02PL080 - A request by Davis Engineering, Inc. for Robert and Donald Grimm for a **Preliminary and Final Plat** on Lot 4 of Grimm Addition and dedicated Creek Drive Right-of-Way all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of Tract B of Government Lot 3 in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Highway 44 and east of Cambell Street at Creek Drive. (CONTINUE TO JANUARY 20, 2003)
28. No. 02PL083 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1 thru 4, Block 1, Lots 1 thru 9, Block 2, and Outlot A and Dedicated Streets, Neff Subdivision II, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 of the SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A. (CONTINUE TO FEBRUARY 17, 2003)
29. No. 02PL093 - A request by Davis Engineering for a **Layout, Preliminary and Final Plat** on Lot 1 Block 1, Lots 1 thru 6, Block 2, Lots 1 thru 8, Block 3, Lots 1 thru 7, and Lots 10 thru 15, Block 4, Lots 1 thru 3 and Lots 11 thru 16, Block 5 of Murphy Ranch Estates, all located in NE1/4 NW1/4 of Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 less Murphy's' Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on Longview Drive to the east of East 53rd Street and Reservoir Road. (CONTINUE TO FEBRUARY 3, 2003)
30. No. 02PL095 - A request by Doug Sperlich for 16 Plus, LLC for a **Preliminary and Final Plat** on Lot 3, 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. (CONTINUE TO FEBRUARY 3, 2003)
31. No. 02PL100 - A request by Thomas A. Casey for a **Layout Plat** on Revised Lot 5A and Revised Lot 23, Laurel Heights Subdivision, Section 26, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 5A and Lot 23 less Lot A, Laurel Heights Subdivision, Section 26, T2N, R7E, BHM, Pennington County, South Dakota, located at 1249 Pine Cone Lane. (CONTINUE TO FEBRUARY 3, 2003)
32. No. 02PL102 - A request by Doug Sperlich for Jeff Stone for a **Final Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive. (CONTINUE TO JANUARY 20, 2003)
34. 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. (CONTINUE TO JANUARY 20, 2003)

35. No. 02PL113 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 thru 4 of Block 1; Lots 1 thru 6 of Block 2; Lots 1 thru 3 of Block 3; Lots 1 thru 7 of Block 4; Lots 1 thru 3 of Block 5, Lots 1 thru 5 of Block 6 and Outlot A; Stoney Creek South Subdivision, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the S1/2 NW1/4 SW1/4 less Lots H1 and H2; and the unplatted balance the N1/2 NW1/4 SW1/4 located south of Catron Boulevard, all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Catron Boulevard and Sheridan Lake Road. (CONTINUE TO FEBRUARY 3, 2003)
36. No. 02PL114 - A request by Dream Design International Inc. for a **Preliminary and Final Plat** on Lots 7 thru 10, Block 14 and Outlot LS and dedicated streets of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Birkdale Road off Muirfield Drive. (CONTINUE TO FEBRUARY 3, 2003)
37. No. 02PL115 - A request by Ferber Engineering Company for a **Preliminary and Final Plat** on Lots 7R and 8R of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 7, 8 and 9 of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Ireland Place and Dublin Court. (CONTINUE TO FEBRUARY 3, 2003)
38. No. 02PL116 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 1, Block 1; Lots 1 thru 5, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; Lots 1 thru 4, Block 5; Lot 1, Block 6 and dedicated Street, Big Sky Business Park, located in the SW1/4 SW1/4 and the S1/2 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 SW1/4 NW1/4 including private drive, less Lot H2 and less right-of-way; the unplatted portion of the E1/2 SW1/4 NW1/4; and the unplatted portion of the S1/2 GL3; S1/2 GL4 less Lot 1 and less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and less right-of-way; all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Vale Road. (CONTINUE TO JANUARY 20, 2003)
42. No. 02VE025 – Approve the request by Rick Harter for a **Vacation of Note on Plat** located at 4906 Butte Circle.

RESOLUTION OF VACATION OF NOTE ON PLAT

WHEREAS the Rapid City Council held a public hearing on the 6th day of January, 2003 to consider the modification of a note on the plat for Lot 19 of Block 4 of County Heights Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4906 Butte Circle; and good cause appearing therefore

BE IT RESOLVED by the Rapid City Council that the note on the plat reading "All buildings shall be set back a minimum of 25 feet from street property lines", be vacated on all pages of the original Plat on which it appears.

BE IT FURTHER RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Resolution of Vacation of Note on Plat be approved for that portion of the existing structural encroachment on Lot 19 of Block 4 of County Heights Subdivision as shown on Exhibit A.

Dated this 6th day of January, 2003.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

END OF PLANNING CONSENT CALENDAR

The next item discussed by the Council was 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. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until January 20, 2003.

The next item discussed by the Council was No. 02PL119, a request by Kevin Conway for Norman or Rod McKie for a **Preliminary and Final Plat** on Lots 1 and 2 of Five Star Subdivision and dedicated public right-of-way shown as Disk Drive located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 8 of Lot M1 of the S1/2 NW1/4, Lots A and B of Lot 1 of Lot M1 of the S1/2 NW1/4, Tract 4-B of Parcel 4 of SE1/4 NW1/4, and a portion of vacated Howard Street right-of-way located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Interstate 90. Motion was made by Rodriguez, seconded by Dreyer and carried to approve the Preliminary Plat with the following stipulations, and continue the final plat until January 20, 2003: 1) 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; 2) 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; 3) Prior to Preliminary Plat approval by the City Council, traffic control plans for the abandonment of Howard Street shall be submitted for review and approval; 4) Prior to Final Plat approval by the City Council, the applicant shall sign an agreement stating that Disk Drive shall be constructed prior to a Certificate of Occupancy being issued; 5) Prior to Preliminary Plat approval by the City Council, construction plans showing the typical road design for the 50 foot wide access and utility easement shall be submitted for review and approval. In particular, the typical road design shall include curb, gutter, water, sewer, street light conduit, sidewalk(s) and pavement; 6) Prior to Preliminary Plat approval by the City Council, a drainage and grading plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed; 7) Prior to Final Plat approval by the City Council, a non-access easement shall be shown along Disk Drive except for approved approach location(s) and along the south lot line; 8) The Uniform Fire Codes shall be continually met; 9) Prior to Final Plat approval by the City Council, the plat title shall be revised to include "all of Lot M-1 of the S1/2 NW1/4, and a portion of ..."; 10) Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate the chain of title since 1958 for Howard Street in order to determine if any other property owner(s) have

vested right(s) to Howard Street; 11) Prior to Final Plat approval by the City Council, the City shall approve a resolution authorizing the Mayor and Finance Officer's signature(s) on the Infrastructure Development Partnership Fund loan for a portion of the Disk Drive improvements; 12) Prior to Final Plat approval by the City Council, the applicant shall sign a developer's agreement stipulating that the applicant pay their portion of the Disk Drive improvements. In addition, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 13) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval.

The next item discussed by the Council was No. 02PL123, a request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 7, Block 2; Lots 1 thru 3, Block 3; and dedicated streets, all located in Tower Ridge 2 Subdivision, Section 23, T1N, R7E, BHM, Pennington Count, South Dakota, legally described as the unplatted portion of the SW1/4 of SW1/4 and a portion of SE1/4 of SW1/4, NW1/4 of SW1/4, and NE1/4 of SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Highway 16 and 1/4 mile north of Catron Boulevard. Motion was made by Hanks and seconded by Johnson to continue this item until February 3, 2003. Olsen stated that he made an offer to the city that in lieu of building an on-site detention facility he would contribute money towards a down-stream regional detention facility which would be in the best interests of the entire community. Olsen stated that he does not want this issue to be forgotten and would like additional discussion. Dreyer abstained from discussion or voting on this item. Upon vote being taken, the motion to continue carried unanimously. Hanks requested that staff update the Council on the issue of the regional detention facility at the next Public Works Committee meeting.

The next item discussed by the Council was No. 02PL124, a request by DLK Engineering for DTJ, LLC for a **Layout Plat** on Lot A and Lot B of Lot 2 of Superpumper Addition, Section 7, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Superpumper Addition, Section 7, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in the northwest corner of the intersection of Cambell Street and East Fairmont Boulevard. Motion was made by Rodriguez, seconded by Hanks and carried to approve the Layout Plat, with the following stipulations: 1) Upon Preliminary Plat submittal, geotechnical analysis for pavement design(s) shall be submitted for review and approval; 2) Upon Preliminary Plat submittal, a sediment and erosion control plan shall be submitted for review and approval; 3) Upon Preliminary Plat submittal, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed; 4) Prior to Preliminary Plat approval, a National Pollutant Discharge Elimination System Permit shall be obtained in order to allow storm water discharge from the construction site; 5) Upon Preliminary Plat submittal, an electrical/private utility service plan shall be submitted for review and approval to insure that there are no conflicts with the drainage plan; 6) Upon Preliminary Plat submittal, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval; 7) Upon Preliminary Plat submittal, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval; 8) Upon Preliminary Plat submittal, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete design plans showing utilities, storm drainage, curb and gutter, sidewalk and sewer and water lines shall be submitted for review and approval; 9) Upon Preliminary Plat submittal, the plat document shall be revised to provide a road connection to the south. In particular, the road shall align with Craig Street located south of Fairmont Boulevard and meet geometric requirements as specified by the Street Design Criteria Manual; 10) Upon Preliminary Plat submittal, a wetland mitigation plan shall be submitted for review an approval. In addition, a 404 Permit shall be obtained from the United States Corp of Engineers prior to work and/or disturbance of any wetland(s) located on the property; 11) Upon Preliminary Plat submittal, a non-access easement shall be shown

along the first 175 feet of East Oakland Street as it extends west from Cambell Street; 12) Prior to Final Plat approval by the City Council, the adjacent property owner shall sign the plat document for that portion of East Oakland Street to be located on the property or the right-of-way shall be dedicated as an H Lot; 13) Upon Preliminary Plat submittal, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval; 14) Prior to Preliminary Plat approval by the City Council, an approach permit shall be obtained for the proposed approach location along Cambell Street; 15) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and 16) Prior to Final Plat approval by the City Council, surety for any subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.

The next item discussed by the Council was No. 02PL070, a request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 2 Block 7, Lots 8 through 16 Block 8, and Lots 1 through 7 Block 9, Lot 1 Block 10, 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. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until January 20, 2003.

Planning Department – Hearings

The next item discussed by the Council was 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** located along Anamaria Drive west of 5th Street. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 6th day of January, 2003 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a .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 $3^{\circ}32'00''$, a length of 40.00 feet, a chord bearing $S51^{\circ}41'20''W$, 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 in Robbinsdale Addition No. 10, Section 13, 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 6th day of January, 2003.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The next item discussed by the Council was No. 02SV042, a request by Dream Design International Inc. for a **Variance to the Subdivision Regulations to waive the requirements to install sidewalks and curb and gutter as per Section 16.16 of the Subdivision Regulations** on the following property: 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: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register off Deeds Office in Book 30, Page 155; thence $N03^{\circ}44'30''W$ 140.25 feet; thence $N08^{\circ}38'28''E$ 143.92 Feet; thence $N11^{\circ}40'26''E$ 155.33 Feet; thence $N21^{\circ}22'17''E$ 120.00 Feet; thence $S68^{\circ}37'43''E$ 160.00 feet; thence $N21^{\circ}22'17''E$ 632.95 feet; thence $N68^{\circ}45'17''W$ 12.50 feet; thence $N21^{\circ}22'17''E$ 24.00 feet; thence $S68^{\circ}45'17''E$ 8.37 feet; thence $N21^{\circ}22'31''E$ 32.50 feet; thence $S68^{\circ}45'17''E$ 20.00 feet; thence $S21^{\circ}22'31''W$ 32.50 feet; thence $S68^{\circ}45'17''E$ 45.63 feet; thence $S21^{\circ}22'17''W$ 24.00 feet; thence $N68^{\circ}45'17''W$ 12.50 feet; thence $S21^{\circ}22'17''W$ 124.33 feet; thence $N90^{\circ}00'00''E$ 96.61 feet; Thence $S00^{\circ}00'00''E$ 116.52 feet; thence $S90^{\circ}00'00''W$ 142.20 feet; thence $S21^{\circ}22'17''W$ 129.24 feet; thence $S23^{\circ}37'43''E$ 14.14 feet; thence $S68^{\circ}37'43''E$ 30.17 feet; thence $S21^{\circ}22'17''W$ 40.00 feet; thence $N68^{\circ}37'43''W$ 30.17 feet; thence $S66^{\circ}22'17''W$ 14.14 feet; thence $S21^{\circ}22'17''W$ 314.36 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is $12^{\circ}43'49''$, an arc length of 27.88 feet to a point tangency; thence $S08^{\circ}38'28''W$ 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is $34^{\circ}44'55''$, an arc length of 76.11 feet to a point of reversed curvature; thence southerly along the arc of said reversed curve to the right whose radius 174.50 feet and whose delta is $31^{\circ}36'04''$, an arc length of 96.24 feet to a point of tangency; thence $S05^{\circ}29'36''W$ 86.04 feet; thence $S41^{\circ}39'58''E$ 13.64 feet to a point lying on a curve concave to the south and whose chord bears $N84^{\circ}30'24''W$, 69.00 feet; thence westerly along the arc of said curve to the left whose radius 438.00 feet and whose delta is $09^{\circ}02'07''$, an arc length of 69.07 feet to a point on said curve; thence $N48^{\circ}34'56''E$ 14.64 feet; thence $N05^{\circ}29'36''E$ 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is $11^{\circ}47'37''$, an arc length of 25.83 feet to a point on said curve; thence $S83^{\circ}41'59''W$ 185.45 feet to the Point of Beginning, legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension

of Birkdale Road off Muirfield Drive. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until February 3, 2003.

The next item presented to the Council was No. 02SV044, a request by Doug Sperlich for 16 Plus, LLP for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water and paving and to dedicate right of way for the collector road as shown on the Major Street Plan, to waive the requirement to install curb, gutter, sidewalks and street light conduit on U.S. Highway 16 and to waive the requirement to install sidewalk and street light conduit on Moon Meadows Drive as per Section 16.16 of the Rapid City Municipal Code** 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. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item until January 20, 2003.

The next item presented to the Council was 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 Rodriguez, seconded by Waugh and carried to continue this item until January 20, 2003.

The next item presented to the Council was No. 02VR006, a request by Dream Design International, Inc. 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, located at 225 East Watertown Street. Motion was made by Rodriguez, seconded by Waugh and carried to deny this item without prejudice.

Ordinances & Resolutions

Council President Kroeger announced that the meeting was open for hearing on 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 the following property: 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 located west of 5th Street along Anamaria Drive. Notice of hearing was published in the Rapid City Journal on November 9 and November 16, 2002. Ordinance 3881, having had the first reading on November 4, 2002, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Chairman declared the motion passed and read the title of Ordinance 3881 the second time.

The next item presented to the Council was No. 02RZ065, second reading of **Ordinance 3884**, a request by Dream Design International Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** on the following property: 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; located along the extension of Birkdale Road off Muirfield Drive. Motion was made by Hadley, seconded by Johnson and carried to continue this item until February 3, 2003.

The next item before the Council was No. LF111302-09R, second reading of **Ordinance 3893**, entitled An Ordinance Establishing a Municipal Recreation Board by adding Chapter 2.88 to the Rapid City Municipal Code. Motion was made by Dreyer and seconded by Murphy to approve second reading. City Attorney Altman explained that this ordinance has not been approved by the Legal & Finance Committee, as required by law. At the last meeting, the Committee forwarded this ordinance to the Council without recommendation. Kooiker added that there was another version of the ordinance which contained some revisions relative to the makeup of the Board. Motion was made by Johnson, seconded by Kooiker and carried to continue action on this ordinance until January 20, 2003, and refer the ordinance to the Legal & Finance Committee for recommendation. Johnson requested that the City Attorney bring all options for review at the Legal & Finance Committee.

Ordinance 3895 (No. LF121102-19) entitled An Ordinance Amending the Adopted Uniform Building Code by Adding Section 15.12.025 to Chapter 15.12 of the Rapid City Municipal Code Relating to Appeals, having passed the first reading on December 16, 2002, it was moved by Hadley and seconded by Kooiker that the title be read the second time. City Attorney Altman explained that this ordinance will substitute the Development Appeals and Review Board for the UBC Board. Under this proposed ordinance, any person who is aggrieved by a decision of the building official will be able to appeal to the Development Appeals & Review Board to seek the allowance of an alternate method of construction. The DARB will hear the appeal and will make a recommendation to the City Council. The Council will then be the final determination of any appeal under the building code. If this ordinance passes, the Council will be making all the decisions for approving alternate methods of construction, relying on the recommendation of the DARB. The following voted AYE: Hanks, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: Johnson, whereupon the Chairman declared the motion passed and Ordinance 3895 was declared duly passed upon its second reading.

Ordinance 3896 (No. LF121102-20) entitled An Ordinance Repealing Chapter 1.08 of the Rapid City Municipal Code Relating to Wards and Precincts and Adopting a New Revised Chapter 1.08 of the Rapid City Municipal Code, having passed the first reading on December 16, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Chairman declared the motion passed and Ordinance 3896 was declared duly passed upon its second reading.

Ordinance 3897 (No. 02OA019) entitled An Ordinance Establishing Automobile Sales and Display Areas as Permitted Uses in the SC2 Community Shopping Center Zoning District by Amending Subsection (B)(1) of Section 17.32.020 of the Rapid City Municipal Code, having passed the first reading on December 16, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Chairman declared the motion passed and Ordinance 3897 was declared duly passed upon its second reading.

Ordinance 3900 (No. LF123002-09) entitled An Ordinance Amending Chapter 1.16 of Title 1 of the Rapid City Municipal Code by Changing the Title and by Establishing the Official Election Date for Municipal Elections by Adding Section 1.16.020, was introduced. Motion was made by Hadley and seconded by Kooiker to approve first reading. Preston stated that the Committee had changed the ordinance to reference only the 2003 election which will be held on the second Tuesday in April (April 8, 2003). Hadley withdrew his motion. Motion was made by Rodriguez and seconded by Hanks to set the 2003 election for April 8, 2003. Johnson spoke in favor of having city elections in June. The weather is warmer and we would be able to combine elections with the county when appropriate. Kooiker stated that this issue was decided about a month ago when the Council passed a Resolution setting the election date for 2003 on April 8th. Another part of that resolution directed staff to draft an ordinance that would set future elections in June, beginning in 2004. Substitute motion was made by Kriebel and seconded by Hadley to approve first reading of Ordinance 3900 as presented. Upon vote being taken, the motion carried with Johnson voting no. Second reading will be held on Monday, January 20, 2003.

Ordinance 3901 (No. CC010603-03) entitled An Ordinance Amending Section 12.20.030 of Chapter 12.20 of the Rapid City Municipal Code Relating to Structures in the Right-of-Way, was introduced. Motion was made by Hadley and seconded by Dreyer to approve first reading, and set second reading for Monday, January 20, 2003. Altman explained that Paragraph 3 under Section D dealing with sight triangles is still an issue. We can grandfather the existing ones in if they were built outside the city limits, but if they obstruct the sight triangle, it potentially endangers the safety of the citizens. As this ordinance goes forward, that is what we will be trying to balance. Johnson stated that he can support grandfathering obstructions in if they were constructed before the property was in the city limits. However, if they obstruct a sight triangle and endanger people, they will have to be removed. Altman noted that the only change contained in this ordinance is to add Section D dealing with obstructions in the right-of-way. Roll call vote was taken: AYE: Hadley, Johnson, Waugh, Kroeger, Hanks, Murphy and Rodriguez; NO: Kooiker, Kriebel and Dreyer. Motion carried, 7-3.

Legal & Finance Committee Items

Motion was made by Rodriguez and seconded by Murphy to approve No. LF123002-14 and authorize Mayor and Finance Officer to sign **Lease with Youth and Family Services**. Roll call vote was taken: AYE: Johnson, Waugh, Kroeger, Dreyer, Hanks, Murphy and Rodriguez; NO: Hadley, Kooiker and Kriebel. Motion carried, 7-3.

Motion was made by Rodriguez and seconded by Murphy to approve No. LF123002-15 and authorize Mayor and Finance Officer to sign **Real Estate Purchase Agreement** with Youth & Family Services for Lots 24-38, Block 9, Millard Subdivision. Roll call vote was taken: AYE: Johnson, Waugh, Kroeger, Dreyer, Hanks, Murphy and Rodriguez; NO: Hadley, Kooiker and Kriebel. Motion carried, 7-3.

Motion was made by Hadley, seconded by Hanks and carried to table the request for funding in the amount of \$924 to assist RSVP with funding for fingerprinting and **background checks** on volunteers working in the School District.

The next item before the Council was No. LF123002-11, an **Appeal** by Herman Jones from Sign Code Board of Appeals. Jones was not present at the meeting. Motion was made by Dreyer and seconded by Johnson and carried to table this item.

The next item discussed by the Council was notice from the City that **parking tickets** issued for no tag being displayed in leased lots will no longer be dismissed. Kooiker asked what prompted the decision to make this change in enforcement policy relative to parking tickets. City Attorney Altman explained that the reason the city requires that a tag be displayed on vehicles in leased lots is so that we can verify that they have permission to park there. If no permit is displayed, we have no way to verify that they have leased a space in that lot. There was lengthy discussion about the need to display tags, dismissal of parking tickets when the tag is not displayed and the policy of being cordial to customers in the city. Altman stated that discretion is nice for policy makers, but for people in the enforcement business it is not. If the law is enforced against some people and not others, the fundamental right of equal protection is violated. When the City Attorney's Office inherited this task, it was decided that all permit holders would get one ticket dismissed annually. If a permit is forgotten or a car is in the shop for repairs, the permit holder needs to get a temporary tag from city hall. Motion was made by Kooiker and seconded by Hadley that the current process that is in place remain in place. Johnson suggested that the City Attorney will need more direction than the motion on the floor. Substitute motion was made by Kriebel, seconded by Waugh and carried to refer this issue to the Legal & Finance Committee for further discussion. Upon vote being taken, the motion carried unanimously.

Motion was made by Hadley and seconded by Rodriguez to confirm appointment of Park Owen and Mike Sabers to the **Journey Museum Board** for a three-year term and reappoint Bev Schlosser to another three year term; confirm appointment of Lon VanDeusen to the Journey Museum Board to fill the non-voting position (No. LF123002-13). Johnson spoke against the process used to make these appointments. Upon vote being taken, the motion carried with Johnson voting no.

Public Works Committee Items

Motion was made by Hanks and seconded by Waugh to approve the request for an exception to Street Design Criteria Manual for a circular driveway on Lot 2, Block 11, Red Rock Estates, 6713 Carnoustie for Shawn Voeller, of Dean Kurtz Construction. (No. PW123002-09). Motion was made by Hanks and seconded by Waugh to approve the request. Public Works Director Bjerke stated that based on the plot plan and site layout that was submitted, he is recommending that this request be denied. The request does not meet the requirement of 200' of frontage for a circular driveway. The frontage on this lot is only 145'. Bjerke explained that safety was the primary concern when the 200' frontage requirement was established. Murphy stated that there is too much information missing from the petitioners documents to make a decision on this matter. The drawings are not to scale and no other information was submitted. Engineering Division Manager Randy Nelson added that exceptions are typically granted when there are extenuating circumstances and in this case, there are none. It is in a neighborhood of similar sized lots and houses. If this request is approved, a precedent will be set for the entire subdivision. Upon vote being taken, the motion failed unanimously.

Motion was made by Rodriguez and seconded by Kooiker to refer the Subdivision Construction Management Practices and Procedures Document and the City's CAD Standards to the Development Appeals & Review Board for review and discussion. Upon vote being taken, the motion carried with Johnson voting no. Johnson requested that the Appeals Board coordinate the meeting with the city so that adequate staff is available.

Bills

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

1st National Bank	9,401.26
BH Power & Light, electricity	17,222.89
Century Resources	98,000.00
Colorado Chapter ICBO Education	520.00
ESRI, Inc.	1,800.00
GFOA	115.00
Guest Services	198.00
Humane Society of the Black Hills	14,860.92
IIARC	164,802.00
Marriott Denver Tech Institute	495.00
MDU, gas service	2,256.79
Municipal Street Maintenance Assoc.	35.00
Public Risk Management Association	310.00
SD Coalition of Citizens with Disabilities	35.00
SD GFOA	80.00
SD Municipal League	16,201.14
SD Municipal Police Chief's Assoc.	178.45
T-Model Corporation	615.60
Travel Center	572.50
Youth & Family Services	500,000.00
Youth & Family Services	402,320.00
US Postmaster	2,200.00
Total	<u>\$1,232,219.55</u>

Development Appeals & Review Board

George Dunham, Chairman of the DARB explained that an appeal was received from Doyle Estes and his engineer Hani Shafai of Dream Design International relative to the **design speed for Homestead Street**. A presentation was made by the design engineer and from city staff. The result of the hearing was that there were no exceptions being requested to the Street Design Criteria Manual and the design, in the opinion of the Appeals Board, met all the criteria of the Street Design Criteria Manual. It was the unanimous decision of the Appeals Board that we recommend to the Council that the City accept the design based on a 30 MPH speed limit for the street. There was lengthy discussion about the requirements of the Street Design Criteria Manual and the AASHTO Manual and how they relate to this particular project. Nelson stated that the AASHTO Manual is included by reference in the City's SDCM which contains minimum design speeds. The AASHTO Manual recommends using design speeds at the high end of its recommended ranges, and further recommends using design speeds greater than its recommended minimums whenever possible. Motion was made by Dreyer and seconded by Hadley to follow the recommendation of the Development Appeals and Review Board and allow a design speed of 30 MPH for this portion of Homestead Street. Murphy asked if the City would be sacrificing safety for cost in this particular case. Dunham stated that in the opinion of the design engineer and the opinion of the Review Board, the

answer is no. This section of road is an infill section that is between an existing road section that has a stop sign at Elk Vale Road and comes off as Homestake Street. There is a section slightly under a quarter of a mile that is constructed. Then there is this section which is about a quarter of a mile where the question of design has come up. The road is essentially straight, but it has a dip in it. The difference between a 30 MPH speed design and a 35 speed design is that the dip for 35 mph is less than the dip for 30 mph speed design. So while the street is horizontally straight, the vertical alignment changes significantly, so far as cost is concerned. On the other side, the street is already constructed. It was designed and constructed as a 25 mph street and in fact goes to the school property out in Rapid Valley. We could see no logical purpose to require that the new road be designed at 35 mph in the first place. In the second place, 30 mph design meets all the design criteria manual requirements because the manual gives a range of speed. The Criteria Manual says that a collector street like this may be designed anywhere between 25 and 35 mph. The design engineer selected 30 mph because of the two intervening pieces. There seemed to be no reason to increase the design speed for the middle section of this road.

Johnson stated that this decision is about money; it costs more to design a road for a higher speed. The question is, does the money saved make sense for the future of our city and does it also balance with the safety needed around a school zone. Johnson stated that the city has competent staff who have made these decisions for years. For the Council to deviate from that, there should be a strong and compelling argument why there should be a lower standard set. That has not been shown. In this case, this decision should be made based on what is right for the community and safety concerns. Lengthy discussion continued on the existing roads in this area, the type of development expected and the traffic volume expected to flow through the neighborhood. Bjerke explained that the reason there is a design range for a particular classification of street is to allow the City of Rapid City to dictate what the design speed will be on a street that will be owned and maintained by the City of Rapid City. Not the developer and not the developer's engineer. City staff has no financial interest in this project. There is a lot of planning that goes into determining the classification of a street in a particular area. The Planning Department has done a land use plan for that area and there were public hearings with the property owners in the area to determine what the land use is going to be. We believe that even though the road in question is classified as a collector, it will probably operate more as a minor arterial street. The city has projected fairly high daily traffic counts for this area based on the proposed land use. If a 30 mph street is designed and the traffic ends up flowing at a higher speed, the City cannot legally post the speed any higher than 30 mph. If we did, the city would have a potential liability if someone has an accident. This area is commercial and multi-family and this road definitely needs to be designed for 35 mph. Bjerke added that there are several collectors in the city that are designed for 35 mph (Minnesota Street, for example), but they are posted at 30 mph. That is an option the City has; however, we cannot post a higher speed limit than the road is designed for. Bjerke stated that this issue needs to be fully discussed because who determines the design speeds for city streets is an important issue. Whatever happens this evening will be carried forward on future projects.

Kooiker asked when the applicant was told that they needed to have a 35 mph design for this road. Nelson explained that this project started out as an assessed project in May and June. In one of the early discussion meetings with the design team, the City stated that we wanted to have the preliminary design criteria established so that the determination could be made on the design speed before full design proceeded. That did not happen. In October, the City received 95% construction plans without the preliminary matters having been resolved. Shafai submitted a handout with background on this issue and maps of the road in question. Shafai stated that they have requested a design speed of 30 mph rather than 35 mph for the following reasons: 1) Homestead Street is classified as a collector road and the street criteria manual section 3-2-1 gives the range of 25-35 mph and we selected 30 because of the terrain. And 2) The design speed currently for the east side of Homestead that is under construction is 25 mph and the school is only another ¼ mile away from the area in question.

Another reason the road was designed for 30 mph is because of the need to fill a big ravine which goes through this area. He presented an overhead picture showing the area where the proposed road will go and the ravine currently there. Shafai stated that a design for 35 mph would require 80,000 cubic yards of dirt to fill the necessary areas of the ravine, at a cost of approximately \$4 per cubic yard. This would generate \$320,000 in additional cost to the project. Kooiker called the question and there were no objections. Upon vote being taken, the motion to approve the recommendation of the DARB carried with Johnson and Murphy voting no.

Executive Session

Motion was made by Rodriguez and seconded by Hanks to go into executive session to discuss pending litigation. Upon vote being taken, the motion carried with Kooiker and Hadley voting no. The Council came out of executive session at 10:30 P.M.

Motion was made by Hanks and seconded by Rodriguez to schedule a special meeting on Friday, January 17, 2003 at 1:15 P.M. Upon vote being taken, the motion carried with Hadley, Kooiker and Kriebel voting no.

As there was no further business to come before the Council at this time, the meeting adjourned at 10:35 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)