

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
February 3, 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, February 3, 2003 at 7:00 P.M.

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

Motion was made by Hanks, seconded by Rodriguez and carried to amend the minutes of December 16, 2002 relative to Item No. LF121102-15 to indicate that Varion Systems is a Division of Geo Analytics; and approve the minutes of January 14, January 17 and January 20, 2003.

Mayor Munson introduced "Mayor for the Day" James Preston from Stevens High School. He was involved with fund raising for United Way and won the honor of Mayor for the Day. Munson added that James is the nephew of Finance Officer Jim Preston.

***Bid Openings***

The following companies submitted bids for **Block 31-32 Alley Paving** (Flormann/ Sunnyside Addition) Project ST02-1233 which were opened on January 30, 2003: 1) Hills Materials Company and 2) Simon Contractors. Staff has reviewed the bids and recommends award to Hills Materials. Motion was made by Hanks, seconded by Rodriguez and carried to award the bid for ST02-1233 to Hills Materials Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$29,870.

The Council recessed for twenty minutes and reconvened at 7:25 P.M.

The following companies submitted bids for **North LaCrosse/East Anamosa Intersection Improvements Project ST02-1189** which were opened on January 30, 2003: 1) Simon Contractors; 2) Heavy Constructors; 3) RCS Construction; and 4) Hills Materials Company. Staff has reviewed the bids and recommends award to Heavy Constructors. Motion was made by Hanks, seconded by Rodriguez and carried to award the bid for ST02-1189 to Heavy Constructors, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$697,434.52.

The following companies submitted bids for **Canyon Lake Northshore Improvements Project PR02-1201** which were opened on January 30, 2003: 1) Simon Contractors; 2) Heavy Constructors; 3) Seco Construction; 4) Corner Construction; 5) Site Work Specialists; 6) RCS Construction; 7) Glenn Barber & Assoc.; 8) Lost Cabin Constructors; and 9) Dean Kurtz Construction. Motion was made by Hanks, seconded by Rodriguez, and carried to refer these bids to the Public Works Committee for review and recommendation.

The following companies submitted bids for **Centennial Street Reconstruction Project ST03-919 and Texas Street Reconstruction Project ST03-1163** which were opened on January 30, 2003: 1) Hills Materials Company; and 2) Simon Contractors. Staff has reviewed the bids and recommends award to Hills Materials. Motion was made by Rodriguez, seconded by Murphy and carried to award the bid for these projects to Hills Materials Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$137,995.

***Mayor's Items***

Mayor Munson explained that he asked three citizens of the community to do a survey/study on how we develop in Rapid City and to submit their recommendations after interviewing city staff and the development community. The recommendations of this survey/study seem to be very reasonable. Munson requested that the City Council allow him to approve a committee consisting of the Mayor, Council President Ron Kroeger, Council Vice President Bill Waugh, Councilman Alan Hanks, Councilman Sam Kooiker, Planning Commissioner Stuart Wevik and Planning Commission Jeff Hoffman. Key staff members would provide research and other work as needed. The Committee would be charged with coming up with a plan for a second floor organization that would improve efficiency and give citizens in the development community greater customer service. Motion was made by Johnson and seconded by Waugh to approve appointment of the committee as described. Upon vote being taken, the motion carried unanimously.

Project Administrator Rod Johnson gave an update of **2012 Projects** currently under construction.

Mayor Munson presented the **Citizen of the Month Award** to Rachel Peterson and commended her for outstanding volunteer service to the community.

***Aldersperson Items***

The next item discussed by the Council was the **Consultant Selection Procedures** for Public Works projects. Kooiker explained that a citizen of the community expressed concern regarding the consultant selection process and how the contracts are awarded by the Public Works Department. Motion was made by Kooiker and seconded by Hanks to submit the Consultant Selection Procedures to the Development Appeals and Review Board for review and recommendation; and in the meantime the city shall keep an on-going list of the names of consultants and amounts paid year-to-date which should be readily available to the public. Munson noted that a list has been prepared and submitted showing the consultant contracts from 2000-2002. Johnson stated that he feels the City Council should have representation on any committee that reviews these procedures, as well as city staff. Public Works Director Dan Bjerke gave a history on how the selection procedures were developed. The current procedures have been in effect for approximately 12 years and were initially developed through a process involving the organization for consulting engineers in the city, city staff and representation from the city council. He added that some minor modifications have been made over the years, and perhaps it is time they were reviewed. He added that a variety of people have been involved with selecting consultants over the last 12 years, including city council members and committees associated with the project. Bjerke recommended that the city contact the Consulting Engineers Council and the SD Land Surveyors Society for their input. Substitute motion was made by Johnson and seconded by Waugh that the Council request that the Mayor bring forward a recommendation of the DARB, three council members, two staff members and a member from each of the organizations suggested by the Public Works Director. Upon vote being taken, the motion carried unanimously.

Motion was made by Kooiker and seconded by Kriebel that the City keep an **on-going list** of the names of consultants and amounts paid year-to-date, and that the list be made readily available to the public. Johnson stated that he feels this list should be made available either annually or semi-annually, but not on a project-by-project basis. Kooiker stated that he feels it should be made available at any time, with the understating that staff will need a realistic amount of time to put the information together. Munson stated that he will work with staff on this issue and insure that the report is made available semi-annually and as requested in between these times. Upon vote being taken, the motion carried unanimously.

Bob DeMersseman and Terri Haverly from the **Economic Development** Office gave the Council a brief report on their recent activities and current projects.

Kriebel suggested that the council consider contracting out the **plan review process** currently being done by city staff. This is something that will need to be acted on almost a year ahead of time because of budget questions and concerns. Motion was made by Kriebel and seconded by Hadley that the Council president select three council members to bring back to the Council within 60-90 days information and options and considerations regarding contracting out our plan review process. Hanks noted that several committees have been formed very recently which have not been discussed by the appropriate committee. He suggested that this issue be submitted to the Public Works Committee for consideration. Substitute motion was made by Hanks, seconded by Johnson and carried to refer this item to the Public Works Committee for discussion.

### ***Alcoholic Beverage License Applications***

This was the time set for hearing on the application of Big D Oil Company dba **Big D Oil Store No. 41**, 1160 LaCrosse Street, for an Off-Sale Malt Beverage license transfer (from Cenex Petroleum Company). Upon motion made by Hadley, seconded by Dreyer and carried, the Council approved the application.

This was the time set for hearing on the application of Big D Oil Company dba **Big D Oil Store No. 42**, 850 E. North Street, for an Off-Sale Malt Beverage license transfer (from Cenex Petroleum Company). Upon motion made by Hadley, seconded by Dreyer and carried, the Council approved the application.

Upon motion made by Hadley, seconded by Rodriguez and carried, the Finance Officer was directed to publish notice of hearing on the application of Dan T. Ly dba **The Golden Fortune**, 1204 E. North Street, for an On-Sale Wine License Renewal (No Video Lottery), said hearing to be held on Monday, February 20, 2003.

### ***Consent Calendar Items***

The following items were removed from the Consent Calendar:

20. No. PW012803-14 – Authorize Mayor and Finance Officer to sign Bill of Sale with Rapid Canyon Sanitary District for the sanitary sewer line located on Lot 2 of Block 3 of Nielsen Subdivision located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4 of Section 18, T1N, R7E of the BHM, Pennington County, South Dakota.
27. No. PW012803-20 – Direct the City engineer to comply with the sight-triangle ordinance by removing the appropriate amount of on-street parking on both the north and south sides of Clark Street; execute an affidavit upon the completion of the parking changes; and set the traffic management issue on the February 11, 2003 Public Works Committee agenda.
42. No. CC020303-04 - Approve Resolution regarding supplemental tap fees for connection to the water utility in certain areas.
43. No. CC020303-05 - Approve Resolution regarding supplemental tap fees for connection to the wastewater utility in certain areas.

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

### ***Public Works Committee Items***

10. No. PW012803-04 – Authorize staff to advertise for bids for One (1) New Current Model Year Cargo Van for Engineering Division.

11. No. PW012803-05 – Authorize staff to advertise for bids for One (1) New Current Model Year  $\frac{3}{4}$ Ton Suburban for Engineering Division.
12. No. PW012803-25 – Approve the purchase of one (1) new current model  $\frac{3}{4}$ Ton 4x4 cab and chassis truck from Lamb Chevrolet of Onida under State Contract No. 13769 in the amount of \$17,879 for the Parks Division.
13. No. PW012803-06 – Authorize staff to advertise for bids for Two (2) New Current Model Year Sander Plow Trucks for Street Division.
14. No. PW012803-07 – Authorize staff to advertise for bids for Komatsu Dozer Undercarriage Rebuilding for Solid Waste Operations Division.
15. No. PW012803-08 – Authorize staff to advertise for bids for New Cold Water Meters and AMR Products for Water Division.
16. No. PW012803-09 – Authorize staff to advertise for bids for SSW02-1106, Omaha Street Utilities Project – 12<sup>th</sup> Street to East Boulevard.
17. No. PW012803-10 – Authorize staff to advertise for bids for ST02-1240, Downtown Alley Resurfacing Project.
18. No. PW012803-11 – Authorize staff to advertise for bids for SS03-1253, Lange Road Sanitary Sewer Project.
19. No. PW012803-12 – Authorize Mayor and Finance Officer to sign Dakota Business Center Preventive Maintenance Agreement for Sharp ARM350U copier at a cost of \$0.0078 per copy for the Parks Division.
21. No. PW012803-15 – Authorize Mayor and Finance Officer to sign South Dakota School of Mines & Technology Modification No. 02 Research Agreement No. SDSM&T-CRC99-11 – Wonderland Basin BMP Demonstration Project to change completion date to September 30, 2003.
22. No. PW012803-16 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with FMG, Inc. to Design W01-1084, East St. Louis and Waterloo Watermain Reconstruction Project for an amount not to exceed \$16,050, plus reimbursable expenses.
23. No. PW012803-17 – Authorize Mayor and Finance Officer to sign Professional Service Agreement with Wyss Associates to Design PR03-1287, Memorial Park and Omaha Corridor Irrigation and Landscaping Project for an amount not to exceed \$17,802, plus reimbursable expenses.
24. No. PW012803-18 – Authorize Mayor and Finance Officer to sign Professional Service Agreement with FMG, Inc. for Computer modeling of W03-1288 Water System Expansion – East Rapid City for an amount not to exceed \$11,480 plus reimbursable expenses.
25. Direct staff to bring forward a dollar amount on what it might cost to provide services to future growth areas of the City and place this item on an agenda for a special meeting to be held on Tuesday, March 4, 2003 at 7:00 P.M.
26. No. PW012803-19 – Authorize Mayor and Finance Officer to sign Agreement with Doyle D. Estes and Kathryn O. Johnson for right-of-way and drainage easement in Big Sky Subdivision.
28. No. PW012803-21 – Approve the purchase of three (3) new current model compact pickup trucks from Sioux Falls Ford, Inc. of Sioux Falls under State Contract No. 13772 in the amount of \$14,112 each for a total cost of \$42,336.
29. No. PW012803-22 – Approve the purchase of one (1) new current model year vacuum street sweeper from Sheehan Mack Sales & Equipment of Rapid City under City Contract dated May 20, 2002 in the amount of \$162,514 for the Street Division.
30. No. PW012803-23 – Approve the purchase of one (1) new current model Chevrolet K2500  $\frac{3}{4}$ ton 4x4 regular cab long box truck from Lamb Chevrolet of Onida under State Contract No. 13769 in the amount of \$18,578 for the Water Division.
31. No. PW012803-24 – Approve the purchase of one (1) new current model Chevrolet K1500  $\frac{1}{2}$ ton 4x4 extended cab long box truck from Lamb Chevrolet of Onida under State Contract No. 13769 in the amount of \$18,108 for the Water Division.
32. Approve the request by Bobbie Greenway, 3204 Falls Drive to waive the requirement for “no parking” signs on Falls Drive.

33. Direct staff to bring forward a policy change relating to sewer backups, stating that the dollar amount per square footage for cleanup shall be up to, but not exceeding Three Dollars; and include that it will be for the actual cost up to a maximum of \$3.00 per square foot; and make it retroactive to December 1, 2002.
34. Authorize up to \$100,000 for lighting fixtures for the proposed Omaha Street widening project and bid alternates for the cobra and the proposed lighting fixture, and poles painted and unpainted; and authorize the Mayor and Finance Officer to sign PW012803-26 South Dakota Department of Transportation Financial, Letting, Maintenance/ Encroachment Agreement for P 0016(57)69 PCEMS 3864, P 0044(125)44 PCEMS 4757 and BRF I90-2(01)0 PCEMS 6561 Omaha Street Reconstruction Project.

***Legal & Finance Committee***

35. No. LF012903-01 - Authorize Mayor and Finance Officer to sign Agreement with Ryan T. Olson for leg restraints.
36. Authorize staff to accept Hazardous Materials Equipment Grant Funds from WMD, Department of Justice, in the amount of \$90,000.
37. No. LF012903-02 - Authorize expenditure of up to \$6,000 from Council Contingency for an Audio Video Surveillance System in the C/SAC Building (this is a City/School Project with a 60-40 Split of the Cost).
38. No. CC020303-07 - Approve Resolution Declaring Property Surplus.

**RESOLUTION DECLARING PROPERTY SURPLUS**

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

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

Street Department

1987 International Truck with Plow & Sander, SN 24883

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 3rd day of February, 2003.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

39. No. LF013903-17 - Approve Resolution Amending the Plan for Projects and Programs to be Funded from the Rapid City Economic Development and Civic Improvements Fund.

A RESOLUTION AMENDING THE PLAN FOR PROJECTS AND PROGRAMS TO BE FUNDED FROM THE RAPID CITY ECONOMIC DEVELOPMENT AND CIVIC IMPROVEMENTS FUND

WHEREAS on the 17th day of April, 2000, the City of Rapid City adopted a resolution entitled "A Resolution Adopting a Plan for Projects to be Funded from the Rapid City Economic Development and Civic Improvements Fund;" and

WHEREAS the Council has determined to make the following amendments to said plan;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Rapid City Economic Development and Civic Improvements Plan as adopted by the City on April 17, 2000, be amended as follows:

1. Infrastructure: Add funding of \$700,000 in FY2005 and \$800,000 in FY2006.
2. Exposition Park: Delete funding of \$4,000,000 in FY2006.

Dated this 3rd day of February, 2003.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

40. No. LF012903-05 - Approve request from Ken Gray, dba Goofy Moose Ice Cream, to renew ice cream vending license for 2003 season.
41. No. LF012903-09 - Approve Resolution to Establish Policy on Plumbing in Oversized Detached Garages.

#### RESOLUTION

WHEREAS the City of Rapid City has previously required as a condition of approval of a conditional use permit for a detached oversized garage that the homeowner refrain from installing plumbing; and

WHEREAS the City of Rapid City desires to establish a policy that allows for plumbing in detached oversized garages; and

WHEREAS the City of Rapid City wishes to prevent petroleum products and other such hazardous wastes from being introduced into the City's municipal sewer system or into ground water supplies;

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that it shall be the policy of the City of rapid city to allow plumbing in detached oversized garages so long as the owner installs equipment, approved by the Public Works Director, to prevent petroleum products and other such hazardous wastes from being deposited into the municipal sewer system or into the ground water supply.

BE IT FURTHER RESOLVED that nothing contained herein relieves any person or legal entity of compliance with all other applicable local, state and federal regulations.

Dated this 3rd day of February, 2003.

ATTEST:  
s/ James F. Preston

CITY OF RAPIDCITY  
s/ Jerry Munson, Mayor

Finance Officer  
(SEAL)

44. No. LF012903-06 - Approve the following abatements: Bankers Trust Company, 2002, \$491.26; Biernbaum & Co., Inc., 2002, \$140.90; Timothy A. Brightman, 2002, \$1.62; Timothy A. Brightman, 2002, \$659.24; Lyda M. Busse, 2002, \$1,001.66; Dan's Supermarket, 2002, \$100.78; Double E LLC, 2002, \$18.04; Doyle D. Estes/Johnson, 2002, \$109.24; First Western Bank, 2002, \$37.74; First Western Bank, 2002, \$317.94; Ray T. Flack/Pioneer Invest., 2002, \$1.16; Donald W. Gorman, 2002, \$340.34; Dennis A. Klug, 2002, \$518.98; Merillat Corp., 2002, \$59.20; Montana Dakota Utilities, 2002, \$414.08; Ardythe F. Peterson Living Trust, 2002, \$2.58; Rapid City Economic Dev., 2002, \$542.78; Silverado, Inc., 2002, \$934.02; West River Electric, 2002, \$277.36; Dennis Zandstra, 2002, \$548.04.
45. No. LF012903-07 - Approve the following licenses: Central Station Service: Criticom International Corporation, Thomas J. Few; Commercial Refuse Collector: MK Services, Mark Kostaneski; Electrical Apprentice: Adrien Adams, Laverne D. Andersen, Steven C. Anderson, Robert Bandy, Lee T. Basco, Tony Beshara, Justin Boomer, Gary Brassfield, Melvin Brassfield, Ty Brown, Corey L. Buckley, Casey Caton, Nick Cockrell, Nathan Cole, James P. Cronin, Adam Daigle, Gary Darrow, Brian Demaro, Rachel Eisenbraun, Jason R. Enders, Aaron Evers, Troy Fode, Charles T. Freeman, David Fristad, Brett Galbraith, Clifford Gibbs, Dustin Graesser, John Green, Jeff Groethe, Freeman Heard, Teko Helling, Erin L. Hill, Jeremy Holzer, Toby Holzer, Michael Jackson, Todd Jewett, Jeremy Johnson, Jeremiah Jurisch, Terrence L. Kafka, Russell Kleinschultz, Scott C. Koenig, Roy J. Kottwitz, Beaman Kraft, Nick Larson, Travis W. Lind, Brian Montieth, Lawrence W. Montoya, Kristina Moore, Jim Mosher, Jeff Muellenburg, Mike Nichols, Matt Nowitzki, Jacob Nunn, Ryan Painter, Chad Powell, Thomas C. Pratt, Andrew Reckling, Matthew Ressler, Marty Richards, Robert N. Riggins, Brenda Sabo, Emery Sabo, Kade L. Schoenberner, John Schubauer, Leeann Schumacher, Corey L. Scott, Cody L. Selting, Brad Sharp, Ken Sharp, Rocky O. Sheldon, Bryan Silvernail, Josh Stadheim, Brandon M. Steiner, John Trudo, Edward Ugland, Jarrod Walton, Jamie R. Weber, Richard D. Weisbeck, Thad Weiss, Steven L. Williams, Donald J. Williamson, Douglas Williamson, Trevor D. Williamson, Edward Wilson, Rodney Woods; Journeyman Electrician: William M. Albers, Gary Alexander, Robert G. Bachmeier, Paul M. Balderramos, Ryan Bear, Jeffrey S. Beardt, Curtis Beatty, Jeff Bergstrom, Zane Beringer, Michael W. Berry, Shawn Bessette, Tim Bunce, Robert W. Butler, Jr., Travis Cole, Jack L. Cudmore, Casey Curtis, Michael Davis, Troy Digmann, Benjamin T. Doughty, Simon Eaton, Robert L. Enders, Bryan Fischer, Charles A. Fleming, Howard Forsythe, Gerald L. Freeman, Randy Garness, Brian Gerow, Dana Gilbertson, James C. Grass, Ty L. Grenstiner, Ronald W. Hamann, Marvin Harp, Richard J. Heintzman, Gerry W. Jensen, Wade Juve, Joseph Wayne Kitchens, Michael Klug, Chris Knecht, Brian Larson, Marty Larson, Christopher Larsen, Bradley R. Lecoe, Patrick J. McCormick, Daniel McRae, Mike Medley, Duane Menning, James Merritt, Timothy L. Moe, Jason W. Muller, Larry Nelson, Larry W. Neumann, Thomas E. O'Connor, Ed Pauly, Mark A. Preble, Ricky Lee Rawstern, Ronald Richards, Glen C. Roth, Timothy R. Sandmeier, Todd Schoenberner, Ryan Schremp, Ryan Thomas, Emmett P. Vliem, Michael E. Watkins, Frank Watson, Terry J. Weber, Shawn Wiechmann, Donohue J. Williamson, Craig D. Wiseman, Michael L. Wolff, John Wright, Billy D. Young, F. Philip Young, Michael S. Young, Dana Zeigler; Class B Electrician: Marvin Young; Electrical Contractor: Al Sutton Electric, Albert G. Sutton; American Electric, James E. Plummer; Beatty & Schoenberner Electric, Inc., C. Glenn Beatty; Black Hills Electric, Bruce D. Hill; Buck's Electric, Dale Schmidt; Checker Electric, Randall L. Albers; Conrad's Big C Electric, Dean L. Weis; Dale's Electric, Dale Schubauer; Delta Electric, Keith A. Lengkeek; Electric Limited, Darrel A. Dahl; Energy Electric Company, David H. Leinen; Jim Freeman Electric, Jim Freeman; Freeman's Electric Service, Inc., Robert A. Freeman, Sr.; Kilowatt Electric, Mark Beshara; Koala Electric, Scott Douglas Hertel;

Muellenberg Electric, Jim Muellenberg; Muth Electric, Richard Muth; New Systems Electric, Donald Eisenbraun; Paul's Electric, Paul C. Wieser, Rapid City Area School District, Lee F. Blanchard; Rochford Electric, Norman K. Olson; Sabo Electric, Gorden Sabo; Temperature Technology, Mark S. Pfleger; Todd's Electric Service, Todd Archambeau; Western Dakota Technical Institute, Art Balcom; Wires "R" Us, Donohue J. Williamson; Master Electrician: Randall L. Albers, Marlin R. Alt, Todd Archambeau, Art Balcom, Mark Bashara, C. Glenn Beatty, Lee F. Blanchard, Darrel A. Dahl, Jim Freeman, Robert A. Freeman, Sr., Donald Eisenbraun, Scott Douglas Hertel, Bruce D. Hill, Keith A. Lengkeek, David H. Leinen, Kelly Moore, Jim Muellenburg, Norman K. Olson, Mark S. Pfleger, James E. Plummer, Gorden Sabo, Dale Schmidt, Dale Schubauer, Steve Struble, Albert G. Sutton, Dan Vetsch, Dean L. Weis, Paul C. Weiser, Jared J. Wilhelmi; Mobile Home Court: Deluxe Mobile Home Park, Douglas Hamilton; Huntington Park, Tom & Tammy Schreiner; Marquette Mobile Manor, Douglas Hamilton; Plumbing Contractor: DB Plumbing, Dennis Brown; Residential Contractor: Complete Home Builders, Inc., Duane & Cheryl Kienzle; Royalty Roofing, Royce Baumeister; Sewer & Water Contractor: (Approval Contingent Upon State License Being Renewed & Proof of Insurance) A-1 Ditching, Steven Moore; Dan's Ditching, Inc., Daniel H. Wieczorek; Duffield Construction, Inc., John Duffield; Hills Construction Ltd., Jack C. Sagdalen; Kingman Construction, Inc., Duane Oehlerking; Lind-Exco, Inc., Gregory A. Lind; M & E Excavating, Edward D. Thurman; Midwestern Ditching, Charles E. Davis; Olson Excavating, Inc., Duane K. Olson; Piedmont Construction Co., Robert W. Powles; R P & H, Inc., Gale Raymond; Rapid Construction Co., Steve Van Houten; Scull Construction, Inc., Douglas Wilson; Shovelhead Excavating, Dennis R. Turman; Site Work Specialists, Inc., Michael Ryan; Spearfish Excavating, Inc., Kenneth Reinert; Summit, Inc., Owen H. Emme; Warax Excavating, Robert A. Warax; Zandstra Construction Co., Dwight B. Hanna; Sewer & Water Installer Journeyman: (Approval Contingent Upon State License Being Renewed) Michael J. Atchley, Ron Berens, Rob Davis, Daniel J. Earley, Steve Lhotak, Brett Torrey, Michael Leiby, Scott Bolton, Rodney D. Rilling, Timothy R. Powles, Jon Giese, Lyle Bromwich, Kevin Hein, Scott Ryan; Sewer & Water Installer Apprentice: (Approval Contingent Upon State License Being Renewed) Shelby Moore; Trenching Contractor: (Approval Contingent Upon Proof of Insurance) Advanced Electrical, Inc., Thomas J. Gagliano; All Around Construction, Jamie Gerlach; Cable Communication Serv., Don Williams; Checker Electric, Inc., Randall L. Albers; Energy Electric, Frank Watson; Honey Creek Landscape, Dale P. Christiansen; Kaski Homes, Keith Sarkinen, Ryan Kaski (owner); Mann Construction Co., Guy Mann; Montana Dakota Utilities, Tim Kretschmar; Scull Construction Service, Douglas Wilson, Jim Scull; Sprinkler Systems Service, Gregory E. Pogany; Trenching Journeyman: Robert A. Stanfiel, Paul Kreun, Larry J. Nelson, John S. Pettyjohn, Paul H. Petersen, Merritt E. Duffield, Richard C. Walter, Don Huber, Kent Otto, Justin Parker, Brant S. Mann, James D. Big Crow, Donald D. Donaldson, Billy Gifford, Jim Gray, Gary Higlin, Rick Himmelspace, Jim Lien, Henry McIntosh, Wade C. Wasserburger; Sign Contractor: Flat Earth Sign Co., Tim Peterson; Sponder Outdoor Advertising, Hank Sponder

46. No. LF012903-18 – Refer the request from the Allied Arts Fund Drive for additional funding in the amount of \$14,678 to the Subsidy Committee for review and recommendation.
47. Direct the City Attorney's office to coordinate a list of questions and answers regarding the proposed airport annexation and mail it out to the affected residents.
48. No. LF012903-11 - Confirm the recommendation made by the Naming Rights Committee regarding the girls' softball complex.
49. No. LF012903-12 - Approve Travel Request for Mayor Munson, Ron Kroeger, Martha Rodriguez, and Tom Johnson to Attend National League of Cities - Congressional City Conference in Washington, DC from March 6-11, 2003, in the Amount of \$7,977.

50. Approve appointment of Dr. Phyllis Dixon (one year term ending 12/31/03), Eric Abrahamson (three year term ending 12/31/05), and Bobbie Christenson (three year term ending 12/31/05) to the Library Board.
51. Approve appointment of Gary Brown and Karen Waltman to a three year term on the Rushmore Plaza Civic Center Board of Directors (term to expire January 2006).

**Raffle**

52. No. CC020303-01 – Notification from West River Chapter of Fellowship of Christian Cowboys to conduct a raffle from February through October, 2003.

**End of Consent Calendar**

The next item discussed by the Council was No. PW012803-14 – Authorize Mayor and Finance Officer to sign Bill of Sale with **Rapid Canyon Sanitary District** for the sanitary sewer line located on Lot 2 of Block 3 of Nielsen Subdivision located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4 of Section 18, T1N, R7E of the BHM, Pennington County, South Dakota. Motion was made by Kroeger and seconded by Rodriguez to approve. Public works Director Bjerke requested that this item be continued. The legal description needs to be modified and the vacation of easement should go through the Planning Commission for consideration. Substitute motion was made by Rodriguez, seconded by Hanks and carried to continue this item for one month.

The next item discussed by the Council was No. PW012803-20 – Direct the City engineer to comply with the **sight-triangle ordinance** by removing the appropriate amount of on-street parking on both the north and south sides of Clark Street; execute an affidavit upon the completion of the parking changes; and set the traffic management issue on the February 11, 2003 Public Works Committee agenda. Dreyer abstained from discussion or voting on this item. Motion was made by Johnson and seconded by Murphy to approve. Kriebel stated that when the court orders an action, it doesn't need to come to the city council for action. Munson explained that there were options for complying with the court's order. That is the issue that was presented to the Council for consideration. Hanks submitted a copy of a document relative to this issue and the payment of legal fees for the plaintiff. Green recommended that the Council proceed with the action before them and the issue of attorney's fees will be addressed at the scheduled hearing time on February 10th. Upon vote being taken, the motion carried unanimously (Dreyer abstained).

The following Resolution was introduced, read and Kroeger moved its adoption (No. CC020303-04):

**RESOLUTION**

WHEREAS, Rapid City Municipal Code Section 13.04.095 allows the Common Council to impose supplemental tap fees for connection to the water utility in certain areas; and

WHEREAS, the Director of Public Works has recommended to the Common Council that such supplemental tap fees in the amount of \$1250 be adopted in the areas shown on Exhibit A, attached hereto and incorporated herein by reference (showing the NE ¼ SE1/4, and the SW ¼ of Section 16, T1N, R8E, Rapid City, Pennington County, South Dakota); and

WHEREAS, the Common Council recognizes the intent of previous Common Councils to adopt these supplemental tap fees; and

WHEREAS, the Common Council finds that such supplemental tap fees are appropriate and in the best interests of the City, community, and the water utility.

NOW, THEREFORE, be it resolved that a supplemental tap fees in the amount of \$1250 for all new utility connections to the City's water utility in the area shown in Exhibit A hereto be and hereby is adopted.

BE IT FURTHER RESOLVED that such supplemental tap fee shall remain in effect until such time as the 300<sup>th</sup> supplemental tap fee is colleted, at which time this Resolution and the supplemental tap fee shall automatically expire; and

BE IT FURTHER RESOLVED that this Resolution shall be retroactively effective as of the first day of December, 1990.

Dated this 3rd day of February, 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. Kooiker spoke against approving a resolution that was retroactive. Roll call vote was taken: AYE: Johnson, Murphy, Rodriguez, Kroeger, Hadley and Kriebel; NO: Kooiker; Dreyer and Hanks. Motion to approve the resolution carried, 6-3.

The following Resolution was introduced, read and Johnson moved its adoption (No. CC020303-05):

#### RESOLUTION

WHEREAS, Rapid City Municipal Code Section 13.08.365 allows the Common Council to impose supplemental tap fees for connection to the wastewater utility in certain areas; and

WHEREAS, the Director of Public Works has recommended to the Common Council that such supplemental tap fees in the amount of \$1250 be adopted in the areas shown on Exhibit A, attached hereto and incorporated herein by reference (showing the NE1/4, SE1/4, and the SW1/4 of Section 16, T1N, R8E, Rapid City, Pennington County, South Dakota, and a portion of the SW1/4 of Section 9, T1N, R8E, Rapid City, Pennington County, South Dakota); and

WHEREAS, the Common Council recognizes the intent of previous Common Councils to adopt these supplemental tap fees; and

WHEREAS, the Common Council finds that such supplemental tap fees are appropriate and in the best interests of the City, community, and the wastewater utility.

NOW, THEREFORE, be it resolved that a supplemental tap fees in the amount of \$1250 for all new connections to the City's wastewater utility in the area shown in Exhibit A hereto be and hereby is adopted.

BE IT FURTHER RESOLVED that such supplemental tap fee shall remain in effect until such time as the 300<sup>th</sup> supplemental tap fee is colleted, at which time this Resolution and the supplemental tap fee shall automatically expire; and

BE IT FURTHER RESOLVED that this Resolution shall be retroactively effective as of the first day of December, 1990.

Dated this 3rd day of February, 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 Kroeger. Roll call vote was taken: AYE: Johnson, Murphy, Rodriguez, Kroeger, Hadley and Kriebel; NO: Kooiker; Dreyer and Hanks. Motion to approve the resolution carried, 6-3.

### ***Public Hearing***

Mayor Munson stated that this is the time scheduled for a public hearing on the proposed Lease with Friendship House, Inc. for property located at 211 West Boulevard North. Motion was made by Johnson and seconded by Kroeger to approve the request and direct staff to draft a lease. Greg Barton and Doug Thrash spoke on behalf of Friendship House, Inc. and encouraged the Council to continue this operation which has been ongoing for over 30 years at this location. Will Adams thanked the council for going through the hearing process. He requested that the Council take no action on this request and allow other groups to approach the Council about leasing this facility. Upon vote being taken, the motion carried unanimously. Asst. City Attorney Jason Green noted that staff will draft an agreement for the council's consideration.

The Mayor announced that the meeting was open for consideration of the Resolution of Necessity for **Block 16 Alley Paving** (Wise Addition) Project ST03-1278 (No. CC020303-03). Notice of hearing was published in the Rapid City Journal on January 11 and January 18, 2003 and mailed to affected property owners on January 8, 2003. No oral or written comments were submitted. The following Resolution was introduced, read and Rodriguez moved its adoption:

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

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

The City Council hereby declares the necessity of paving approximately 520 linear feet of alley as located in Block 16 of the Wise Addition.

The general nature of the project is as set forth above, and reference for detail is hereby made to the drawings and specifications that will be prepared by the Engineering Department and placed on file with the City Finance Officer.

The estimated costs of the project are \$19,000 of which 60% (\$13,000) will be assessed to the benefiting properties on the basis of equal benefit.

These estimated assessed costs include six percent (6%) engineering fees and five percent (5%) fiscal fees. Interim construction fees to be determined by the Finance Officer shall be included in the project cost, which will be assessed to the benefiting properties.

The recorded owners of the affected properties are as follows:

Owner	Property	Estimated Cost
JEK Limited Partnership	Wise Addition, Block 16	\$925

2130 Prairie Avenue Rapid City, SD 57701	Lot 1-2	
Arnold M. Kittleson 113 E. Monroe Street, #A Rapid City, SD 57701	Wise Addition, Block 16 Lot 3	\$925
Arnold M. Kittleson 113 E. Monroe Street, #A Rapid City, SD 57701	Wise Addition, Block 16 Lot 4	\$925
Brian Sykora 1221 West Boulevard Rapid City, SD 57701	Wise Addition, Block 16 Lot 5-6	\$925
John P. Weber 28 Woodrun Lane Rapid City, SD 57701	Wise Addition, Block 16 Lot 7	\$925
Leo & Thelma Dorer 654 N. Maple Avenue Rapid City, SD 57701	Wise Addition, Block 16 Lot 8	\$925
Leo M. Dorer 654 N. Maple Avenue Rapid City, SD 57701	Wise Addition, Block 16 South 50' of Lots 9-10	\$925
W.W. & Arlyne P. Carroll 102 E. Madison Street Rapid City, SD 57701	Wise Addition, Block 16 Lots 11-12	\$925
Stacy J. Schmuhl 106 E. Madison Street Rapid City, SD 57701	Wise Addition, Block 16 Lot 13	\$925
Sadie Stanley 108 E. Madison Street Rapid City, SD 57701	Wise Addition, Block 16 Lot 14	\$925
Ross Rohde & Judy Shafer 1125 Kennel Drive Rapid City, SD 57701	Wise Addition, Block 16 Lot 15	\$925
Grace Herron 112 E. Madison Street Rapid City, SD 57701	Wise Addition, Block 16 Lot 16	\$925
Clifford & Valerie Bowman 2422 Lockwood Drive Rapid City, SD 57702	Wise Addition, Block 16 Lot 17	\$462
Clifford & Valerie Bowman 2422 Lockwood Drive Rapid City, SD 57702	Wise Addition, Block 16 Lot 18	\$463
Gerald & Annette Freeman	Wise Addition, Block 16	\$925

120 E. Madison Street  
Rapid City, SD 57701

Lots 19-20

The method of apportionment is as follows:

- The above affected property owners will be assessed 60% of the cost of the street improvements on an equal benefit basis. The total assessed cost is estimated to be \$13,000.

The above-described project shall hereinafter be referred to as the Block 16 Alley Paving Project (Wise Addition) ST03-1278, which shall be deemed a description of the project as hereinafter set forth.

Dated this 3rd day of February, 2003.

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

THE CITY COUNCIL  
s/ Jerry Munson, Mayor

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

### ***Planning Consent Items***

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

55. 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 MARCH 3, 2003)
56. No. 02PL040 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1-6 of Block 1; Lot 1 of Block 2; Lots 1-20 of Block 3; Lots 1-14 of Block 4; Lot 1 of Block 5, of Eastridge Subdivision and dedicated Enchantment Road, Eastridge Drive, Sally Court, and major drainage easements located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 NW1/4; N1/2 NE1/4 less NW1/4 NW1/4 NE1/4 and less NE1/4 NW1/4 NE1/4 and less NW1/4 NE1/4 NE1/4; NW1/4 NW1/4; SE1/4 NW1/4 less the west 460 feet of the south 990 feet and less Lot H1; SW1/4 NW1/4 less the south 990 feet, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Fifth Street. (CONTINUE TO FEBRUARY 17, 2003)
57. 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 17, 2003)

58. 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 FEBRUARY 17, 2003)
59. 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 FEBRUARY 17, 2003)
60. 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 MARCH 3, 2003)
61. 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 17, 2003)
62. 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. (APPROVE with the following stipulations: 1) Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show drainfield easement(s); 2) Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be submitted for review and approval. In addition, the plat shall be revised to show utility easement(s) for the service lines extending from the community well located on proposed Lot 5A Revised to adjacent properties. The on-site well shall be revised and approved by the South Dakota Department of Environment and Natural Resources; 3) Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb, gutter, street light conduit, sidewalk and pavement improvements for all adjacent and interior roadways; 4) Upon submittal of the Preliminary Plat, road construction plans for Pine Cone Lane shall be submitted for

review and approval. In particular, Pine Cone Lane shall be constructed with a 49 foot wide right-of-way and a 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 5) Upon submittal of the Preliminary Plat, road construction plans for Laurel Heights shall be submitted for review and approval. In particular, an additional 30 feet of right-of-way shall be dedicated for that portion of Laurel Heights Lane that abuts the subject property. In addition, the road shall be constructed as a minor arterial street with curb, gutter, sidewalk, street light conduit, water, sewer and pavement or a Variance to the Subdivision Regulations shall be obtained; 6) Upon submittal of the Preliminary Plat, Pine Cone Lane and Laurel Heights Lane shall be redesigned to meet the minimum design standards for a cul-de-sac roadway which shall not exceed 1,200 feet in length with a turnaround at the closed end and an intermediate turnaround(s) at intervals not to exceed 600 feet or a Special Exception to the Street Design Criteria Manual shall be obtained; 7) Prior to Final Plat approval, the plat document shall be revised to show the access easement as public right-of-way or a Special Exception to the Street Design Criteria Manual shall be obtained to allow an easement to serve as access to more than four lots; 8) Prior to Final Plat approval, a road maintenance agreement shall be submitted for review and approval for the three roadways. In addition, documentation shall be submitted demonstrating that the applicant has the legal right to use Pine Cone Lane, a private roadway, as access to the property; 9) Prior to Preliminary Plat approval by the City Council, the applicant shall submit a Wild Land Fire Mitigation Plan for review and approval. In addition the Wild Land Fire Mitigation Plan shall be implemented prior to Final Plat approval by the City Council; 10) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 11) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

63. 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 FEBRUARY 17, 2003)
64. 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 FEBRUARY 17, 2003)
65. 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 MARCH 3, 2003)
66. 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 17, 2003)

67. 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 17, 2003)
68. 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 MARCH 3, 2003)
69. 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. (CONTINUE TO FEBRUARY 17, 2003)
70. No. 02PL122 - A request by Dennis Dressen for a **Layout Plat** on Lot 2A and Lot 2B, Block 1, Irene Estes Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, Block 1, Irene Estes Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 6015 Nameless Cave Road. (CONTINUE TO FEBRUARY 17, 2003)
72. No. 02PL125 - A request by Renner & Sperlich Engineering for Dennis Zandstra for a **Layout, Preliminary and Final Plat** on Lots 6R, 7R, 8R, 9 and 10 of Block 10 of Elks Country Estates, located in the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 6, 7 and 8 of Block 10 of Elks Country Estates, and a portion of Tract 1 of the E1/2 of Section 16 located in the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Willowbend Road between Winged Foot Court and Padre Drive. (CONTINUE TO FEBRUARY 17, 2003)
73. No. 02PL126 - A request by Renner & Sperlich for Dean Kelly for a **Layout Plat** on Lots B thru E of Lot 6 of Miracle Pines Subdivision located in the NW1/4 Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot 6 of Miracle Pines Subdivision located in the NW1/4 Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3960 Corral Drive. (CONTINUE TO MARCH 3, 2003)

74. No. 02PL127 - A request by Precision Surveying for Bill Marx for a **Layout Plat** on Lots A and B in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 and the north 40 feet of Lot 3 in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located 4730 Cliff Drive. (CONTINUE TO FEBRUARY 17, 2003)
75. No. 02PL128 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 thru 12 and Outlots 1 thru 4 of Heartland Retail Center located in the S1/2 of SW1/4 of Section 27, T2N, R8E and the N1/2 of the NW1/4 of Section 34, T2N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the S1/2 of Section 27, T2N, R8E and a portion of the N1/2 of Section 34, T2N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Eglin Street and Elk Vale Road. (ACKNOWLEDGE THE APPLICANT'S WITHDRAWAL)
76. No. 03PL001 - A request by Dream Design International for a **Preliminary and Final Plat** on Lots A, B, and C, Canyon Lake Heights Subdivision, located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3, Block 15, of Canyon Lake Heights Subdivision located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Cliff Drive and Miracle Place. (CONTINUE TO FEBRUARY 17, 2003)

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#### END OF PLANNING CONSENT CALENDAR

The Mayor presented 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 County, 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 Rodriguez, seconded by Murphy and carried to continue this item until February 17, 2003.

The Mayor presented No. 02PL037, a request by Dream Design International, Inc. for a **Final Plat** on Lots 1-19 Block 1, Lots 1-37 Block 2, Lots 1-52 Block 3, Lots 1-38 Block 4, Lots 1-37 Block 5, Tract A, Tract B of Auburn Hills Subdivision, and dedicated streets, being a replat of the SW1/4 NW1/4 and NW1/4 SW1/4, and Lot 6A and 6B of the Madison Subdivision, being a replat of Lot 6 of the Madison Subdivision, all in Section 13, T2N, R7E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 NW1/4, less Haines Avenue Right-of-Way and NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and Lot 6 of Madison Subdivision, in the City of Rapid City, as shown on the Final Plat recorded in Book 12 of Plats on Page 106, Pennington County Register of Deeds, located west of Haines Avenue. Motion was made by Rodriguez, seconded by Dreyer and carried to continue this item until February 17, 2003.

The Mayor presented 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 Johnson and carried to continue this item until February 17, 2003.

The Mayor presented 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 Johnson and carried to rescind the Council action of January 20, 2003, and continue this item until February 17, 2003.

### ***Planning Department – Hearings***

The Mayor presented No. 02PD042, **An Appeal of the Planning Commission's approval of a Major Amendment to a Planned Residential Development to reduce the boundary of the Planned Residential Development** on the following property: A portion of Tract A of Robbinsdale Addition No. 10 and a portion of Tract B of Robbinsdale Addition No. 10 located in SW1/4 of NE1/4 of SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described by metes and bounds as commencing at the northwesterly corner of Lot 1 of Block 26 of Robbinsdale No. 10, common to the southerly right-of-way of Minnesota Street, and the point of beginning, thence, first course: S00°38'52"W, along the westerly boundary of said Lot 1 of Block 26, common to the easterly boundary of Tract A of Robbinsdale Addition No. 10, a distance of 203.04 feet, to the southwesterly corner of said Lot 1 of Block 26, common to the northwesterly corner of Lot 2 of Block 26 of Robbinsdale No. 10, and the easterly boundary of said Tract A; thence, second course: S00°38'52"W, along the westerly boundary of said Lot 2 of Block 26, common to the easterly boundary of said Tract A, a distance of 227.41 feet, to the southwesterly corner of said Lot 2 of Block 26, common to the southeasterly corner of said Tract A; thence, third course: S89°40'37"W, along the southerly boundary of said Tract A, common to the boundary of Lot 2 of Block 11 of Robbinsdale No. 10, a distance of 453.13 feet, to a corner of said Tract A, common to a corner of said Lot 2 of Block 11, and a point on the easterly boundary of Tract B of Robbinsdale No. 10; thence, fourth course: S64°33'00"W, parallel with the southerly right-of-way of Minnesota Street, a distance of 312.04 feet; thence, fifth course: N28°45'23"W, a distance of 229.34 feet, to a point on the southerly right-of-way of Minnesota Street; thence, sixth course: N64°33'00"E, along the southerly right-of-way of Minnesota Street, a distance of 672.09 feet; thence, seventh course: northeasterly, curving to the right on a curve with a radius of 935.36 feet, a delta angle of 15°40'46", a length of 255.97 feet, a chord bearing on N72°23'23"E, and a chord distance of 255.17 feet, to the Point of Beginning, located on Minnesota Street. Motion was made by Rodriguez and seconded by Kroeger to approve the Appeal, as requested. Upon vote being taken, the motion carried with Johnson voting no.

The Mayor presented 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 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 N21°22'17"E 632.95 feet; thence N68°45'17"W 12.50 feet; thence N21°22'17"E 24.00 feet; thence S68°45'17"E 8.37 feet; thence N21°22'31"E 32.50 feet; thence S68°45'17"E 20.00 feet; thence S21°22'31"W 32.50 feet; thence S68°45'17"E 45.63 feet; thence S21°22'17"W 24.00 feet; thence N68°45'17"W 12.50 feet; thence S21°22'17"W 124.33 feet; thence N90°00'00"E 96.61 feet; Thence S00°00'00"E 116.52 feet; thence S90°00'00"W 142.20 feet;

thence S21°22'17"W 129.24 feet; thence S23°37'43"E 14.14 feet; thence S68°37'43"E 30.17 feet; thence S21°22'17"W 40.00 feet; thence N68°37'43"W 30.17 feet; thence S66°22'17"W 14.14 feet; thence S21°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°43'49", an arc length of 27.88 feet to a point 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 125.50 feet and whose delta is 34°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°36'04", an arc length of 96.24 feet to a point of tangency; thence S05°29'36"W 86.04 feet; thence S41°39'58"E 13.64 feet to a point lying on a curve concave to the south and whose chord bears N84°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°02'07", an arc length of 69.07 feet to a point on said curve; thence N48°34'56"E 14.64 feet; thence N05°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°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°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 Dreyer and carried to continue this item until February 17, 2003.

The Mayor presented 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 Dreyer and carried to continue this item until February 17, 2003.

The Mayor presented No. 02SV049, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalks and water on Elk Vale Road** on a portion of the SW1/4 NW1/4 and the S1/2 of Government Lot 4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Vale Road. Motion was made by Rodriguez, seconded by Murphy and carried to continue this item until March 3, 2003.

The Mayor presented No. 03SV001, a request by Dream Design International for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalks and water along Cliff Drive and Miracle Place as per Chapter 16.16 of the Subdivision Regulations** on Lots A, B, and C, Canyon Lake Heights Subdivision, located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3, Block 15, of Canyon Lake Heights Subdivision located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Cliff Drive and Miracle Place. Motion was made by Rodriguez, seconded by Kroeger and carried to continue this item until February 17, 2003.

**Ordinances & Resolutions**

The Mayor presented No. 03CA001, a request by Henriksen, Inc. for TREA Northgate Bingo for an **Amendment to the Comprehensive Plan to change the future land use designation on a 2.0 acre parcel of land from Industrial to General Commercial** located at 1981 East Centre Street. The following Resolution was introduced, read and Hadley 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 3<sup>rd</sup> day of February, 2003 to consider an amendment to the Comprehensive Plan by changing the future land use designation on a 2.0 acre parcel of land from Industrial to General Commercial on Tract A of SW1/4 NE1/4 and NW1/4 SE1/4 located in Section 5, T1N, R8E, 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 3rd day of February, 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 Kroeger. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 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 Hadley, seconded by Waugh and carried to continue this item until February 17, 2003.

The Mayor presented 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; in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Birkdale Road off Muirfield Drive. Motion was made by Hadley, seconded by Waugh and carried to continue this hearing until February 17, 2003.

**Ordinance 3901**, 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 (No. CC010603-03R(1)), having passed the first reading on January 6, 2003, it was moved by Kroeger and seconded by Hanks that the title be read the second time. Roll call vote was taken: AYE: Johnson, Waugh, Kroeger, Dreyer, Hanks and Murphy; NO: Hadley, Kooiker and Kriebel; Motion carried 6-3 and Ordinance 3901 was declared duly passed upon its second reading.

**Ordinance 3902**, entitled An Ordinance Reclassifying the Department of Golf as the Division of Golf within the Recreation Department by Amending Sections 2.86.010, 2.86.020, and 2.48.080 of the Rapid City Municipal Code (No. LF011503-15), having passed the first reading on January 6, 2003, it was moved by Hadley and seconded by Hanks that the title be read the second time. Roll call vote was taken: AYE: Hadley, Kooiker, Kroeger, Dreyer, Hanks, Murphy and Rodriguez; NO: Kriebel, Johnson and Waugh; Motion carried 7-3 and Ordinance 3902 was declared duly passed upon its second reading.

The Mayor presented No. 03RZ001, second reading of **Ordinance 3903**, a request by Henriksen, Inc. for TREA Northgate Bingo for a **Rezoning from Light Industrial District to General Commercial District** on Tract A of SW1/4 NE1/4 and NW1/4 SE1/4 located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1981 East Centre Street. Notice of hearing was published in the Rapid City Journal on January 25 and February 1, 2003. Ordinance 3903, having had the first reading on January 20, 2003, 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 Mayor declared the motion passed and read the title of Ordinance 3903 the second time.

The Mayor presented No. 03RZ002, second reading of **Ordinance 3904**, a request by Pine Lawn Memorial Park, Inc. 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-E<sup>2</sup>SW<sup>4</sup>14-1-7 and less Lot H1-Lot B SW<sup>4</sup>14-1-7, all located in the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4301 Tower Road. Motion was made by Hadley, seconded by Kroeger and carried to continue this item until March 3, 2003.

**Ordinance 3905**, Supplemental Appropriation No. 3 for 2003 (No. CC012003-06), having had the first reading on January 20, 2003, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3905 was declared duly passed upon its second reading.

**Ordinance 3906** (No. CC012003-07) entitled An Ordinance To Establish the Division of Parks Within the Department of Public Works as the Unit Responsible for Operation of Public Parks and Cemeteries by Amending Section 2.48.090 of the Rapid City Municipal Code and by Repealing Chapter 2.44 of the Rapid City Municipal Code, having passed the first reading on January 20, 2003, it was moved by Hadley and seconded by Hanks that the title be read the second time. The following voted AYE: Hanks, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: Johnson; whereupon the Mayor declared the motion passed and Ordinance 3906 was declared duly passed upon its second reading.

**Ordinance 3907** (No. LF012903-14) entitled An Ordinance Amending Section 9.28.050 of Chapter 9.28 of the Rapid City Municipal Code to Allow Discharge of Firearms in the General Agricultural Zoning District, was introduced. Upon motion made by Hadley, seconded by Kroeger and carried, Ordinance 3907 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 17, 2003.

**Ordinance 3908** (No. LF012903-15) entitled An Ordinance Amending Section 15.40.090 of Chapter 15.40 of the Rapid City Municipal Code to Allow Electrified Fences in the General Agricultural Zoning District, was introduced. Upon motion made by Hadley, seconded by Johnson and carried, Ordinance 3908 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 17, 2003.

**Ordinance 3911** (No. 03RZ003) a request by J. Scull Construction Service for Jim Scull, Jr. for a **Rezoning from Medium Density Residential District and Office Commercial District to General Commercial District** on Lot 10A, Block 1, Owen Mann Subdivision; and Lots 12 thru 16 less Lot H2 and H3, Block 1, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Federal Avenue along Kinney Avenue, was introduced. Upon motion made by Hadley, seconded by Dreyer and carried, Ordinance 3911 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, February 17, 2003.

### ***Legal & Finance Committee Items***

Motion was made by Hadley and seconded by Waugh to authorize the Mayor and Finance Officer to **sign an Agreement** with Enck Resources for training to be conducted on March 5, 2003, in an amount not to exceed \$2,500 (No. LF012903-03). Upon vote being taken, the motion carried with Kooiker voting no.

Motion was made by Hadley, seconded by Kroeger and carried to approve the **Request by Herman Jones for a Variance** from the Sign Code to place lights on a billboard located at 4110 Highway 16 West (No. LF012903-13).

Motion was made by Dreyer and seconded by Kroeger to authorize Mayor and Finance Officer to **sign Agreement** between City of Rapid City and Lazy P-6 Land Company (No. LF011503-19). Asst. City Attorney Green stated that he will be requesting an executive session to discuss this issue. Substitute motion was made by Rodriguez and seconded by Hanks to move Items No. 99 and 100 to the end of the agenda so that they can be discussed in executive session. Kriebel stated that he doesn't feel there is anything in this agreement that needs to be discussed in executive session. Dreyer concurred. Roll call vote was taken on the motion to defer. AYE: Johnson, Waugh, Kroeger, Murphy and Rodriguez; NO: Hadley, Kooiker, Kriebel, Dreyer and Hanks. Motion failed due to the tie vote. Substitute motion was made by Rodriguez and seconded by Waugh to go into executive session to discuss this contractual matter. Roll call vote was taken: AYE: Johnson, Waugh, Kroeger, Murphy and Rodriguez; NO: Hadley, Kooiker, Kriebel, Dreyer and Hanks. Munson voted AYE to break the tie and the motion to go into executive session carried, 6-5.

The Council reconvened at 9:15 with all members present. (Kooiker requested that the record stipulate that he, Kriebel and Hadley did not participate in the executive session.) Motion was made by Kroeger and seconded by Rodriguez to approve the revised Agreement between the City of Rapid City and Lazy P-6 Land Company. Regina Jarr expressed concern that the city is setting the stage for piece meal development on this property which will be a gateway into Rapid City. She urged the council to pro-actively seek to enhance the quality of life in this area (economic, aesthetics, access and recreation). Mike Hahn encouraged the Council to annex these properties for the long term benefit of the City of Rapid City. Asst. City Attorney Jason Green explained that the agreement has been modified so that no additional structures

can be constructed under the present conditions. If the property owner wants to construct additional storage units, a hard surface must be put on the existing gravel road. The road will need to be built to city standards in the following scenarios: 1) the property is platted; or 2) water and sewer are extended to within 600' of Catron Boulevard/5th Street Intersection. At that time, the property owner would construct a portion of 5th Street, south of Catron Boulevard, to city standards. Either the platting trigger or the water/sewer trigger would require that Lazy P-6 Land Company fund the construction to city standards. However, in the interim, they would only be required to use an asphalt mat as a hard surface. The agreement also stipulates that Lazy P-6 would be required to maintain the interim road. Rodriguez called the question and there were no objections. Roll call vote was taken: AYE: Johnson, Waugh, Kroeger, Dreyer, Hanks, Murphy and Rodriguez; NO: Hadley, Kooiker and Kriebel. Motion carried, 7-3.

The next item before the Council was No. 02SR013 - Review of the **Planning Commission's Action** on an 11-6-19 SDCL Review to Construct a Street Within a Section Line Highway requested by Centerline, Inc. for Lazy P-6 Properties. Motion was made by Rodriguez and seconded by Kroeger to override the Planning Commission's action relative to File No. 02SR013. Roll call vote was taken: AYE: Rodriguez, Murphy, Hanks, Dreyer, Kroeger, Waugh and Johnson; NO: Kriebel, Kooiker and Hadley. Motion carried, 7-3.

### ***Public Works Committee Items***

The Mayor presented No. PW012803-02 – Approve **Change Order No. 02** for WRF01-1132, Water Reclamation Facility Improvements – Administration Building Project to Scull Construction Services, Inc. for an increase of \$22,369; contingent upon approval of the South Dakota Department of Environment and Natural Resources. Motion was made by Rodriguez and seconded by Murphy to approve the Change Order. Upon vote being taken, the motion carried with Kooiker voting no.

The Mayor presented No. PW012803-03 – Approve **Change Order No. 02** for SWO02-1168, Co-compost Facility Construction Project to RCS Construction, Inc. for an increase of \$33,140; contingent upon approval of the South Dakota Department of Environment and Natural Resources. Motion was made by Rodriguez and seconded by Murphy to approve the Change Order. Upon vote being taken, the motion carried with Kooiker voting no.

The next item discussed by the Council was No. PW012803-13, a **Resolution of Vacation of Easement** on Lot 2, Block 3 of Nielsen Subdivision located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4 of Section 18, T1N, R7E of the BHM, Pennington County, South Dakota. Motion was made by Rodriguez, seconded by Kroeger and carried to continue this item until March 3, 2003.

Motion was made by Waugh and seconded by Dreyer to authorize Mayor and Finance Officer to sign an **Easement** with Montana Dakota Utilities for a gas main right-of-way through Founders Park. Kooiker asked if this item required an 11-6-19 Review. Elkins stated that it does. Substitute motion was made by Waugh, seconded by Kooiker and carried to refer this item to the Planning Commission for review.

The next item before the Council was appointment of a committee of three Council members to review the **alignment for utilities along Catron Boulevard**. (Council President Kroeger appointed Dreyer, Johnson and himself to the Committee.) Mel Dreyer explained that this committee met last week and their recommendations will be submitted in the near future with recommendations on other aspects of development in this area. Motion was made by Hanks, seconded by and carried to approve appointment of the committee.

**Finance Officer**

Motion was made by Rodriguez, seconded by Murphy and carried to approve a **Security Business License** for Mark Steffen dba Dakota Knights Security.

Preston also noted that the Police Chief has requested that the City council make a decision on whether they want to include any funding in the bond being issued by the County for the Public Safety Building and Jail expansion project. Any increase in the bonding amount would change the type of bond and increase the interest rates. After reviewing all the options, Finance Officer Preston recommended that the City not participate in the County's bonding project. Motion was made by Hanks and seconded by Rodriguez to forward the request for additional funding for this project to the 2012 Committee for consideration. Johnson stated that he feels the CIP fund should also be considered for this project. Substitute motion was made by Johnson and seconded by Dreyer to direct the Police Chief to approach the City to consider all funding sources to find the additional \$565,000 needed for this project. It was agreed that the 2012 Committee will meet at 1:15 prior to the Legal & Finance Committee on Wednesday, February 12, 2003. Preston stated that if this motion passes, the Police Chief can assume that the City is not interested in pursuing any bonding with the County. Upon vote being taken, the motion carried unanimously.

**Bills**

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

Payroll Paid Ending 01-25-03, Paid 01-31-03	579,013.79
Payroll Paid Ending 01/31-03, Paid 01-31-03	941,204.56
Payroll Paid Ending 01-25-03, Paid 01-31-03	948.48
Pioneer Bank, Taxes Paid 01-31-03	147,443.25
Pioneer Bank, Taxes Paid 01-31-03	237,255.24
Pioneer Bank, Taxes Paid 01-31-03	66.44
First Administrators, Claims Paid 01-22-03	117,221.90
First Administrators, Claims Paid 01-29-03	83,803.12
Berkley Risk Administrators, fees Paid 1-29-03	95,430.01
SD Municipal League, Government day registration	140.00
SD Department of Revenue, taxes Paid 1-17-03	603.69
SD Department of Revenue, taxes Paid 1-17-03	16,565.20
SD Department of Revenue, taxes Paid 1-17-03	14,953.38
US Postmaster	2,200.00
Computer Bill List	4,593,611.46
Total	\$6,830,460.52

Payroll Paid Ending 01-25-03, Paid 01-31-03	1,851.30
Pioneer Bank, Taxes Paid 01-31-03	139.71
City of Rapid City, postage	2.08
Clinical Lab of BH, testing	35.00
Marlin Leasing, copier	3.21
Total	\$6,832,491.82

**City Attorney**

The next item discussed by the Council was No. CC020303-06, an Amendment to **Lease Agreement** with Safety Plaza relative to ambulance service. Motion was made by Kroeger, seconded by Dreyer and carried to authorize the Mayor and Finance Officer to sign the Agreement.

**Ordinance 3910**, entitled An Ordinance Amending Chapter 5.16 of the Rapid City Municipal Code Relating to Ambulance Services by Amending Sections 5.16.020, 5.16.030, 5.16.040, 5.16.050, 5.16.060, 5.16.100, 5.16.190, and Deleting Sections 5.16.070, 5.16.080, 5.16.130, 5.16.140, 5.16.150, 5.16.160, 5.16.170, 5.16.200, 5.16.210, 5.16.220, 5.16.230, 5.16.240 and 5.16.250 Concerning Licensing Requirements and Standards for Ambulances (No. CC020303-08), was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3910 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 17, 2003.

### ***Development Appeals and Review Board***

Asst. City Attorney Jason Green reported that the Board met and considered the application from Tower Ridge on whether to use concrete pipe or corrugated metal pipe. The Board came to a tie vote, therefore, the recommendation was to deny.

### ***Addendum***

Motion was made by Rodriguez, seconded by Kroeger and carried to accept the **Highway Lot** from Legacy Land Company (H-1 Lot located in MJK Subdivision, NW1/4 SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota).

Kriebel noted that the legislative bills relating to the airport will be discussed in Committee on Tuesday, February 11th which is the same date as the Public Works Committee meeting. Rodriguez asked the members to change the meeting date to either Monday or Thursday. She added that there is already a 2012 Committee meeting and a special Council meeting scheduled on Wednesday, in addition to the regular Legal & Finance Committee meeting. Motion was made by Rodriguez to move the Public Works Committee meeting to Monday, February 10th at 1:15 P.M. Motion died for lack of a second. Motion was made by Hanks and seconded by Hadley to hold both Public Works and Legal & Finance Committee meetings on Wednesday, February 12, 2003. Upon vote being taken, the motion carried with Kooiker and Rodriguez voting no.

### ***Executive Session***

Motion was made by Rodriguez, seconded by Waugh and carried to go into executive session to discuss pending litigation. The Council came out of executive session at 10:15 and no action was taken.

As there was no further business to come before the Council at this time, the meeting adjourned at 10:15 P.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance Officer

(SEAL)