

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
March 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, March 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 and Rick Kriebel; the following arrived during the course of the meeting: None; and the following were absent: Mel Dreyer.

Motion was made by Rodriguez, seconded by Hanks and carried to correct the minutes of January 6, 2003 to show the correct bid award for ambulance vehicles to Midwest Vehicle Professionals, Inc. as \$560,367; and **approve the minutes** of February 12, February 17 and February 25, 2003.

***Bid Openings***

The following companies submitted bids for **New Cold Water Meters** which were opened on February 20, 2003: 1) Sioux Pipe and 2) Invensys. Staff has reviewed the bids and recommends award to Sioux Pipe. Motion was made by Rodriguez, seconded by Murphy and carried to award the bid for Cold Water Meters to Sioux Pipe, the lowest responsible bidder meeting specifications, based on their low unit prices bid as listed below:

		Sioux Pipe
1.	¾" Meter, each	\$ 98.90
2.	1" Meter, each	\$ 130.50
3.	1 ½" Meter, each	\$ 303.90
4.	2" Meter, each	\$ 430.40
5.	3" Meter, each	\$1,465.00
6.	4" Meter, each	\$2,395.00
7.	1 ½" Meter, each	\$ 435.00
8.	2" Meter, each	\$ 518.00
9.	3" Meter, each	\$ 705.00
10.	4" Meter, each	\$1,277.00
11.	6" Meter, each	\$2,816.00
12.	Remote Touch Pad, each	\$ 8.75

The following companies submitted bids for **Automatic Meter Reading System** which were opened on February 20, 2003: 1) Sioux Pipe and 2) Invensys. Staff has reviewed the bids and recommends award to Sioux Pipe. Motion was made by Rodriguez, seconded by Murphy and carried to award the bid for Automatic Meter Reading System to Sioux Pipe, the lowest responsible bidder meeting specifications, based on their low unit prices bid as listed below:

		Sioux Pipe
1.	System Maintenance & Support	\$ 1,000.00
2.	AMR Meter Transceiver Unit, each	\$ 117.90
3.	VXU Radio Reading Unit & software	\$10,000.00

The following companies submitted bids for One New **Current Model Year Cargo Van** for Engineering Division which were opened on February 20, 2003: 1) Nelson Dodge GMC; 2)

Gold Key Cadillac GMC; 3) Sioux Falls Ford; and 4) Wegner Auto. Motion was made by Waugh, seconded by Rodriguez and carried to refer these bids to the Public Works Committee for review and recommendation.

The following companies submitted bids for One New Current Model Year Suburban 4x4 for Engineering Division which were opened on February 20, 2003: 1) Nelson Dodge GMC; 2) McKie Ford; 3) Gold Key Cadillac GMC; 4) Rapid Chevrolet; 5) Sioux Falls Ford; and 6) Wegner Auto. Motion was made by Rodriguez, seconded by Murphy and carried to refer these bids to the Public Works Committee for review and recommendation.

The following companies submitted bids for One New Current Model Year **Arial Lift and Utility Body** for Traffic Division which were opened on February 20, 2003: 1) Northern Truck Equipment Corp.; and 2) ABM Equipment & Supply. Staff has reviewed the bids and recommends award to Northern Truck. Motion was made by Rodriguez, seconded by Murphy and carried to award the bid for the Arial lift and Utility Body to Northern Truck Equipment Corporation, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$25,693.

The following companies submitted bids for **Canyon Lake Park Improvements** (Asphalt Overlay, Bicycle Path, Street and Parking Lighting) Project PR03-1273 which were opened on February 27, 2003: 1) Hills Materials Company; 2) J&J Asphalt Company; and 3) Simon Contractors. Motion was made by Rodriguez, seconded by Johnson and carried to refer these bids to the CIP Committee for review and recommendation.

The following companies submitted bids for 2003 **Rapid City Bridge Repairs Project** ST03-1161 which were opened on February 27, 2003: 1) JV Bailey Company; 2) Corner Construction; and 3) Heavy Constructors. Staff has reviewed the bids and recommends award to JV Bailey Company. Motion was made by Rodriguez, seconded by Waugh and carried to award the bid for ST03-1161 to JV Bailey Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$259,133.

The following company submitted a bid for **One Used Ambulance** for the Rapid City Department of Fire and Emergency Services: 1) Midwest Vehicle Professionals, Inc. Staff has reviewed the bid and recommends award. Motion was made by Rodriguez, seconded by Murphy and carried to award the bid for one used Ambulance to Midwest Vehicle Professional, Inc., the only bidder, for a total contract amount of \$33,100.

### ***Mayor's Items***

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

Project Manager Rod Johnson gave an update of the **2012 Projects** currently under construction in the City.

### ***Aldersperson Items***

Rodriguez explained that several Council members will be attending the National League of Cities conference and will not be back in town until late on Tuesday evening. Motion was made by Rodriguez, seconded by Johnson and carried to move the March 11<sup>th</sup> Public Works Committee Meeting to Wednesday, March 12<sup>th</sup>, after the Legal & Finance Committee meeting.

The next item discussed was **Impact Fee Waivers**. Kooiker stated that he has heard rumors that some impact fees have been waived in certain developments. As a result, questions

were asked at the January 14<sup>th</sup> Public Works Committee meeting. Kooiker went through questions that were asked of staff and the Mayor at various meetings and their corresponding answers. Kooiker stated that he doesn't have a problem with looking at a policy for waiving fees, but it is a policy discussion for the city council. Kooiker stated that he also feels there is a problem with how information requests are handled, and with how the citizens are being treated. City Attorney Altman advised the Council that if they want to discuss specific lawsuits, including the impact fee issues, it should be done in executive session.

Motion was made by Kooiker and seconded by Hadley to put this issue on the next Public Works Committee Agenda for discussion and that we look at dismissing all lawsuits regarding the impact fees waive all fee collection until the day after the last waiver for Harmony Heights and that all future waiver requests must come before the city council for approval. Altman stated that an ordinance that was passed on an initiated measure cannot be altered in any way within one year of its passage. If the motion on the floor calls for any type of waiver that is not specifically authorized by the initiated measure, it cannot be done. Kooiker amended his motion to take this item to Committee for discussion. Hadley concurred. Altman recommended that any discussion regarding pending litigation be done in executive session. Motion was made by Rodriguez and seconded by Murphy to go into executive session at the end of the meeting to discuss pending litigation. Upon vote being taken, the motion carried unanimously.

Kroeger stated that the annual hearing for the **2012 Program** will be held on Monday, March 24, 2003 at 7:00 P.M. (Secretary's Note: The meeting will be held in the Community Room on the First Floor of the City/School Administration Center.)

### ***Special Items and Items from Visitors***

At the request of Jeff Partridge, Mayor Munson briefed the Council on the work being done by the Committee appointed to look at the re-organization of the second floor public works, engineering and planning departments.

Dan Michael encouraged the Council to be fair with the development and impact fees that are charged to citizens.

Dale Fullerton and Peter Greenwaldt appeared before the Council to request an **Exception to Driveway Width** at 4016 Mountain Shadow Place. Motion was made by Rodriguez, seconded by Johnson and carried to approve a variance to the Street Design Criteria Manual and allow the wider driveway as requested.

The next item discussed by the Council was authorization for the Mayor and Finance Officer to Sign a **Permanent Utility Easement** to MDU for Gas Main right-of-way through Founders Park. Motion was made by Rodriguez and seconded by Murphy to approve the easement with the stipulation that MDU be charged \$15,501.47 which is the amount MDU charged the City to move gas lines along Muirfield Drive in the Red Rocks development to accommodate city sewer. Tim Kretschmar from MDU explained that this easement is going through Founder's Park because the street right-of-way is being taken up by the Omaha Street widening project. The street widening project is costing MDU and its customers approximately \$500,000 to re-route the gas lines. The reason the City was charged the fee in the Red Rock development is because the city was in the county right-of-way and the request was to move lines to facilitate a municipal construction project. Rodriguez amended her motion to refer this issue to the Public Works Committee for further discussion. Second by Hanks. It was noted that this action will delay the Omaha Street project. Roll call vote was taken: AYE: Rodriguez, Murphy, Hanks and Kroeger; NO: Waugh, Johnson, Kriebel, Kooiker and Hadley. Motion failed, 4-5. Substitute motion was made by Hadley and seconded by Johnson to approve the request and authorize the Mayor and Finance Officer to sign a Permanent Utility Easement to MDU for gas main right-of-way through Founders Park, at no

cost to MDU. Roll call vote was taken: AYE: Murphy, Kroeger, Waugh, Johnson, Kriebel, Kooiker and Hadley; NO: Rodriguez and Hanks. Motion to approve carried, 7-2.

The next item on the agenda was collection of Impact Fee from Rapid Valley Resident LeRoy Hutton, 2863 Shad Street. Altman stated that this is a matter of pending litigation and all comments should be referred to the executive session.

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

Motion was made by Rodriguez and seconded by Murphy to approve the request by Northcott Company dba **Perkins Restaurant and Bakery**, 1715 LaCrosse Street, for an On-Sale Malt Beverage License (New License – No Video Lottery). Lisa Sissenstein and Stacy Wollman spoke against the issuance of this license. Staff noted that the action on the requested Conditional Use Permit has not been finalized. It was recommended that action on this item be continued. Motion was made by Waugh, seconded by Johnson and carried to continue this hearing until March 17, 2003.

Motion was made by Hadley, seconded by Johnson and carried to continue the hearing on the application by Northcott Company dba **Perkins Restaurant and Bakery**, 2305 Mt. Rushmore Road, for an On-Sale Malt Beverage License (New License – No Video Lottery), until March 17, 2003.

This was the time set for hearing on the application of the City of Rapid City dba **Rapid City Public Library**, 610 Quincy Street, for a Special Wine License to be used on April 12, 2003. Upon motion made by Hadley, seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of Red Rock Golf Club, LLC dba **Red Rock Golf Club**, 6520 Birkdale Drive, for an On-Sale Malt Beverage License Transfer (from SSDH, Inc.). Upon motion made by Hadley, seconded by Rodriguez and carried, the Council approved the application.

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

The following items were removed from the Consent Calendar:

- 27. Authorize staff to sign short notice contracts for EMS services.
- 29. No. LF022603-03 – Approve Resolution Declaring Property Surplus.

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

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

- 17. No. PW022503-01 – Authorize staff to advertise for bids for DR00-902, Knollwood Detention Pond Element 310.
- 18. No. PW022503-02 - Authorize staff to advertise for bids for One (1) New Current Model Year Trash Compactor for the Landfill.
- 19. No. PW022503-03 – Authorize Mayor and Finance Officer to sign a South Dakota Department of Transportation Agreement to Exchange Federal for State Funds for Project P 1746(00) PCEMS 4530 – Canyon Lake Drive.
- 20. No. PW022503-04 - Authorize Mayor and Finance Officer to sign a South Dakota Department of Transportation Maintenance and Financial Agreement for Project NH 0016(00)67 PCEMS 6896 – US16/Fairmont Blvd./Cathedral Drive Signals.
- 21. Authorize Mayor and Finance Officer to enter into all Right-Of-Way Easement documents pertaining to the Canyon Lake Drive Project.

22. No. PW022503-07 - Authorize Mayor and Finance Officer to sign a 2003 Maintenance Contract with Advanced Weighing Systems, Inc. for Software Support at the Landfill for an amount not to exceed \$1,200.
23. Authorize the Mayor and Finance Officer to sign a South Dakota Department of Environment and Natural Resources Storm Water Phase II Application.
24. No. PW022503-08 – Approve an Initial Resolution Setting and Place for Hearing on April 7, 2003 for ST03-1269, Block 7 Boulevard Addition Alley Paving Project.

INITIAL RESOLUTION FOR  
BLOCK 7 ALLEY PAVING (BOULEVARD ADDITION) PROJECT NO. ST03-1269

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 400 linear feet of alley located in Block 7, Boulevard Addition, as outlined in the proposed Resolution of Necessity for Block 7 Alley Paving (Boulevard Addition) Project ST03-1269, 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 a front foot basis.

2. This Council will meet at the City/School Administration Center in the City of Rapid City, South Dakota, on Monday the 7<sup>th</sup> day of April, 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 3<sup>rd</sup> day of March, 2003.

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

THE CITY COUNCIL  
s/ Jerry Munson, Mayor

25. Approve the request by the Parks Department to seek Requests for Proposals for Right-Of-Way Landscape Maintenance along Interstate 90 at the interchange of I-190 and Haines Avenue. (Project to include operating and setting the irrigation system; weed control; fertilizing trees and shrubs; cleaning or sweeping sidewalks, traffic islands and pavers; graffiti removal, litter control; initial spring cleanup and watering non-irrigated plant material.)

**Legal & Finance Committee**

26. No. LF022603-01 - Approve Records Management System Grant of \$6,053 (Matching Fund Requirement of \$672) for ICAD.
28. No. CC030303-02 – Authorize staff to advertise for bids for Rapid City Fire Station No. 3.
30. No. LF022603-04 – Authorize Mayor and Finance Officer to Sign Fiscal Year 2003 State Funding (Rapid Transit).
31. No. LF021203-04R – Direct staff to go out for RFP's (leasing) for both the Wood Avenue and the North Maple Street Youth and Family Services Girls, Inc. buildings. (The RFP's will not be limited to non-profit organizations; and if no RFP's are received, the Council will decide whether or not to sell the properties.)
32. Allocate \$58,250 from the 2003 CIP Contingency Fund for the Omaha Street Widening-Landscaping Project.

- 33. No. LF022603-05 – 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: Delete funding of \$365,000 in FY2005.
- 2. Public Safety Building: Add funding in the amount of \$365,000 in FY 2003.

Dated this 3rd day of March, 2003.

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

CITY OF RAPID CITY  
 s/ Jerry Munson, Mayor

- 34. No. LF022603-06 – Authorize Mayor and Finance Officer to Sign a Space Lease Agreement with the Rushmore Plaza Civic Center for the Jep Enck Presentation (Total Cost not to Exceed \$250).
- 35. Authorize staff to advertise for bids for liquid de-icer chemicals for the Street Department (up to 25,000 gallons).
- 36. No. LF022603-09 – Approve the following licenses: Central Station Service License: ADT Security Services, Inc., ADT Security Services, Inc.; Central Monitoring Service, Inc., Kenneth C. Knight; Apprentice Electrician: John Bailey, Casey Case, Joshua J. Carpenter, Leon Carson, Mark Coyle, Marshall Grant, Scott Hall, Todd Jung, Jesse Phillips, Dan Runestad, Shawn Schooley, John A. Smith, Troy Tarrant, Martin Alex Trove, Paul Weber, William Wellman; Journeyman Electrician: James W. Adams, Scott Clarke, Travis McKinstry, Jeffrey N. Miller, William Paradis, Leo S. Schrub, Daniel Suurmeier, Perry Wegner, Joshua Weisbeck; Master Electrician: Robert Clarke, Terry E. Halvorson, Robert C. Kraft, Dave Phillips, Bradley J. Smith, Willard A. Weber; Electrical Contractor: Robert D. Baumiller, Clarke Electric, Robert Clarke; Kraft Electric, Robert C. Kraft; PIE, Inc., Dave Phillips; Solar Sound, Willard A. Weber; Mechanical Contractor: Scholl Plumbing & Heating, Inc., Wesley Scholl; Apprentice Plumber: Christopher Alumbaugh, Shawn R. Burke, William P. Ficken, Daniel R. Gustaf, Steve Leithauser, David C. McClaskey, Dan McGlothlen, James A. Stover, Brian D. Swenson, Ryan Vermuelen, Loren A. Voss, Brad Weiland, Derrick Williamson; Plumber: James Allen, Bradley E. Anderson, Joel R. Brown, Jerald L. Cihak, Bernard L. Curl, Jack D. Delaney, Lonnie G. Evans, Roger Friedrichsen, Roger L. Goehner, Daniel I. Hartman, Gregory A. Hartman, Scott C. Hartman, Craig Heigh, Tim Hillestad, Chuck Hocke, Brian Huckins, Chad Iseminger, Roger Johnson, Michael

Keller, Jef Mattern, Dan A. Michael, Robert A. Mitchell, Michael J. Ogren, Tim Podoll, Doug Pokorney, Steve E. Prestjohn, Estes P. Rothenberger, Tim Scholl, Don Sheffield, John Shorter, Jim Shuman, Leonard Roy Smith, Myron Tatum, Brian J. Ulmer, Timothy Lee Van Buren, Doug A. Van Dierendonck; Plumbing Contractor: Accurate Plumbing & Heating, Gerald G. Cook; Action Mechanical, Inc., Thomas Hagemann; Action Mechanical, Inc., Keith E. Jackson; Action Mechanical, John D. Shook; Action Mechanical, Ed Stiefvater, Sr.; Always Plumbing, Chad Erlenbusch; Aqua Plumbing and Heating, Scott R. Smith; Black Hawk Plumbing, Albert Prestjohn; C & E Plumbing, Gary Algeo; Callahan Plumbing & Heating, Tim Callahan; D & T Professional Plumbing Co., Douglas W. Ficken; Dana's Plumbing, Dana Walker; Day & Night Plumbing, Jack Franke; Day & Night Plumbing, Jason Franke; Diamond C Mechanical, Kevin B. Curl; Gutzmer Mechanical, Wayne Gutzmer; Benjamin (Bruce) Hartley; Hillman Plumbing & Heating, Robert F. Hillman; Hills Plumbing & Heating, Kelly Klein; Hughes Plumbing, Steve Hughes; JKD Plumbing, John K. Drewitz; Kenzy Plumbing, Robert Kenzy; Krohmer Plumbing, Frank Krohmer; Metro Plumbing, Inc., Kim A. Kerns; Nelson Ditching & Excavating, Inc., Larry Nelson; Olson's Plumbing & Heating, Larry L. Olson; Opstedahl Plumbing, Gene Opstedahl; Paul's Plumbing Service, Paul Dollman; Pine Tree Plumbing, Brad Bilka; Pleinis Plumbing, Gary Pleinis; Precision Plumbing, Inc., Barry W. Akley; Rudd Plumbing, Alvin S. Rudd, Jr.; Rushmore Plumbing Service, Inc., James Rensch; Scholl Plumbing & Heating, Inc., Wesley Scholl; Seepco - Seepco Storage, Kenneth Skyberg; Sharkey Plumbing & Heating, Inc., Terry A. Sharkey; Tessier's, Inc., Dennis H. Corcoran; Town-N-Country Plumbing, Carol M. Hallock; Leddy Vanderpool; Waterworks Plumbing, Inc., Donovan Williamson; Western Mechanical Service, Paul L. Iseminger; Western Mechanical, Ted Simonson; Wiege Plumbing Repair, Elmer Wiege; Wieman Plumbing, Curt Wieman; Wolf's Plumbing & Heating, Inc., Irvin Hartman; Wyo-Dak Plumbing & Heating, Wayne Piebenga; Security Business: Ole Olson Security, Vance A. Olson; Sewer & Water Contractor: (New License) Gary L. Hamm, Diamond M, Inc.; Sewer & Water Contractor: (Contingent Upon Renewal of State License & Providing Proof of Insurance) Beka Ditching, Charles P. Beka; Chuck Ferguson Construction, Chuck Ferguson; Day & Night Plumbing, Jack Franke; De Haan Construction, Inc., James R. De Haan; Excavating Specialists, Terry L. Larson; Geidel Excavation, Melvin Geidel; Hills Materials Co., William J. Keller; Howie Construction, R. Chris Howie; Iron Horse Excavating, Inc., John L. Long; J V Bailey Co., Inc., Jerald Mitzel; Mainline Contracting, Inc., James B. Morris; Marv's Excavating, Inc., Marvin Erickson; Metro Plumbing, Inc., Kim A. Kerns; Nielsen Construction, Royal N. Nielsen; Quinn Construction, Inc., Robert J. Quinn; R C S Construction, Inc., Perry Van De Steeg; Simon Contractors of SD, Michael R. Schnell; Sewer & Water Journeyman: (New License) Bryan Rick; Sewer & Water Journeyman: (Contingent Upon Renewal of State License) Jeff K. Bradley, Duane L. Olesen, Mike Von Colln, Gale Schipke, James D. Bice, Richard Harmon, Dale W. Mogensen, Howard L. Nold, Bret K. Olson, William G. Reasor, William T. Schamber, Warren (Mike Case), Robert B. Hengen, Warren Jaasund, Dale Raish, Thomas Schumacher, Stephen M. Swanson, Norman Wiederich, Jerry Bassett, Peter P. Nikkila, Glenn E. Taylor, William Bradford, William W. Haas, Brandon Hemenway, Dave Hepburn, William S. Huber, Floyd P. Schafer, Samuel Morris III, Art Askland, Jack Corr, John Tippman, Bryan Wildberger; Sewer & Water Apprentice: (Contingent Upon Renewal of State License) Jason R. Franke; Trenching Contractor: (New License) Ryan L. Kelly, Dean Kelly Construction, Inc.; Kirk Worley, Nelsen Construction; Trenching Contractor: (Contingent Upon Providing Proof of Insurance) Brink Electric Construction, Douglas F. Brink; COMSCO, Inc., Ron Hazen; Crawford Cable Construction, Raymond "Butch" Crawford; Iowa Pipeline Associates, William E. Mudge; Iron Horse Excavating, Inc., Jacob A. Ankele III; Lage Development Co., Inc., Willard W. Lage; Munyan Excavating, LLC, Robert Munyan; Olson Dirt Work, David W. Olson; Push, Inc., Paul Ekstrom; Trenching Journeyman: Tom Beetem, LaVern G. Foerster, Anthony Patino, Rick Wieczorek, Scott Bach, Tony Bolton, Randy Coffield, Paul Frey, Jim Giggee, Gerald Hanks, Brian Hathorn, Todd E.

Jones, Brett Larson, Delos H. Oldewurtel, Roger Packard, Reynold Rausch, Bob Richardson, John M. Robison, Kelly Thurman, Johnny L. Ward, Gary Wickman, David Woldt, Kevin Paugh, Chad Coleman, Joe B. Ford, Jerry Garner, David R. Jedlicka, Steven Quenzer, Paul Tedford, Jerry Thompson, James Weeldreyer, Patrick L. Mechaley, Marc Myers, Kasey Lefler; Sign Contractor: Solar Sound Corp., Willard A. Weber; Water Softening Contractor: Champion Water Systems, Inc., Paul Champion; Culligan Water Conditioning, Gary Robinson

37. Direct staff to look at options for parking vehicles in loading zones and bring it back to the March 12, 2003 Legal and Finance Committee meeting.
38. Direct the City Attorney's Office to draft an ordinance requiring meter readers (including private businesses and city meter readers) to wear distinctly marked clothing so they can be identified when entering property to read meters.
39. No. LF022603-10 – Approve Appointment of Ross Jones and Scott Sogge to the Residential Contractor Board for a Term of Two Years.
40. No. LF022603-11 – Approve Appointment of Rick Clegg, Quentin Kubas, Steve Street, and Brian Bies to the Mechanical Board for a Term of Two Years.

#### End of Consent Calendar

Motion was made by Johnson, seconded by Murphy and carried to authorize staff to sign short notice contracts for **EMS services**. Fire Chief Shepherd explained that these short notice contracts will only be for EMS services.

The next item discussed by the Council was No. LF022603-03, a Resolution **Declaring Property Surplus**. Motion was made by Kroeger and seconded by Waugh to approve the Resolution. Hadley asked if the City would be keeping some of the old garbage trucks for emergency use. Bjerke stated that the City will be keeping two of these units. Substitute motion was made by Hadley and seconded by Kooiker to refer this item back to the Legal & Finance Committee for additional review. Johnson noted that just because the vehicles are declared surplus doesn't mean the City has to get rid of them. Roll call vote was taken: AYE: Hanks, Kroeger, Kriebel, Kooiker and Hadley; NO: Rodriguez, Murphy, Waugh and Johnson. Motion to continue to Committee carried, 5-4.

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

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

41. 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 APRIL 7, 2003)
42. No. 02PL051 - A request by CSU Properties, LLC for a **Preliminary and Final Plat** on Lot 1 of Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot RU-9A, Lots 1 thru 4 of Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th Street R.O.W. and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located the southeast corner of the intersection of 5th Street and North Street. (CONTINUE TO MARCH 17, 2003)



- 43. No. 02PL080 – Approve the request by Davis Engineering, Inc. for Robert and Donald Grimm for a **Preliminary and Final Plat**, located north of Highway 44 and east of Cambell Street at Creek Drive.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 4 of Grimm Addition and Dedicated Creek Drive ROW, formerly: Unplatted portion of Tract B of Government Lot 3 in Grimm Addition, Section 5, T1N, R8E, BHM, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lot 4 of Grimm Addition and Dedicated Creek Drive ROW, formerly: Unplatted portion of Tract B of Government Lot 3 in Grimm Addition, Section 5, T1N, R8E, BHM, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 3<sup>rd</sup> day of March, 2003.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 44. 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 APRIL 7, 2003)
- 45. 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 MARCH 17, 2003)
- 46. 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 MARCH 17, 2003)

47. 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. (CONTINUE TO MARCH 17, 2003)
49. 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 17, 2003)
50. 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 MARCH 17, 2003)
51. 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 17, 2003)
52. 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 the 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 MARCH 17, 2003)
53. 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 17, 2003)

54. 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 MARCH 17, 2003)
55. No. 03PL002 - A request by Centerline, Inc. for Larry Lewis and Kenneth Kirkeby for a **Preliminary and Final Plat** on Parcel A of Tract SB of Springbrook Acres Addition, Tract SB Revised of Springbrook Acres Addition, and Lot 19R3 of Fairway Hill PRD located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 19R2 of Fairway Hills Planned Residential Development and all of Tract SB of Springbrook Acres located in the SW1/4 NE1/4, NW1/4 SE1/4 and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Fairway Hills and Sandstone Ridge Subdivision. (CONTINUE TO MARCH 17, 2003)
57. No. 03PL004 - A request by FMG, Inc. for Williston Basin Interstate Pipeline Co. for a **Preliminary and Final Plat** on the dedicated public right-of-way shown as Disk Drive formerly a portion of Parcel No. 5 located in the NE1/4 of NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Parcel No. 5 located in the NE1/4 of the 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 MARCH 17, 2003)
59. No. 03PL012 - A request by Marie Camping for a **Layout Plat** on Lots 1R and 2R of Block 24, North Rapid Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 4 of Block 24, North Rapid Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 227 Adams Street. (APPROVE with the following stipulations: 1) Upon Preliminary Plat submittal, the applicant shall submit information demonstrating that that the existing septic systems on Lots 37, 38 and 39 shall meet the required separations from existing residences and proposed lot lines; 2) Prior to Final Plat approval by the City Council, improvements to the section line highway shall be completed or secured; or, a Variance to the Subdivision Regulations shall be obtained to waive the requirements; or the section line highway shall be vacated; 3) Prior to Final Plat approval by the City Council, improvements to Enchantment Road shall be completed or a Variance to the Subdivision Regulations shall be obtained to waive the requirements; 4) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 5) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.)
60. No. 03PL013 - A request by Kent Snow for a **Layout Plat** on Lots 37R, 38R and 39R, Enchanted Hills No.4 Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 37, 38 and 39, Enchanted Hills No. 4 Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 639 Enchantment Road. (APPROVE with the following stipulations: 1) Upon Preliminary Plat submittal, the applicant shall submit information demonstrating that that the existing septic systems on Lots 37, 38 and 39 shall meet the required separations from existing residences and proposed lot lines; 2) Prior to Final Plat approval by the City Council, improvements to the section line highway shall be completed or secured; or, a Variance to the Subdivision Regulations shall be

obtained to waive the requirements; or the section line highway shall be vacated; 3. Prior to Final Plat approval by the City Council, improvements to Enchantment Road shall be completed or a Variance to the Subdivision Regulations shall be obtained to waive the requirements; 4) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 5) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.)

61. No. 03PL014 - A request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Layout Plat** on Lots 1 thru 23, Lazy P-6 Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as GL 2 Less ROW, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Catron Boulevard and east of proposed future 5th Street. (APPROVE with the following stipulations: 1) Upon submittal of a Preliminary Plat, a grading plan and geotechnical information shall be submitted for review and approval; 2) Upon submittal of a Preliminary Plat, a field topographic survey shall be submitted for review and approval; 3) Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed; 4) 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. If an interim on-site wastewater system is proposed, then all rules and regulations of South Dakota Title 74 and the South Dakota Department of Environment and Natural Resources On-site Wastewater Regulations shall be met. In addition, an Industrial Disposal Permit shall be obtained from the Environmental Protection Agency; 5) Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. If an interim on-site water system is proposed, then all rules and regulations of the South Dakota Department of Environment and Natural Resources shall be met; 6) Upon submittal of the Preliminary Plat, the plat shall be revised to show a non-access easement along Fifth Street, except for the approved approach location(s) and along Catron Boulevard. In addition, a non-access easement shall be shown along the first 175 feet on the southern most access road as it extends east from Fifth Street; 7) 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 and gutter and sidewalk improvements for all adjacent and interior roadways. In particular, the street design plans shall provide property line sidewalks instead of curb side sidewalks or a Special Exception to the Street Design Criteria Manual shall be obtained. 8) Upon submittal of the Preliminary Plat, a phasing schedule for the balance of the Master Plan shall be submitted for review and approval. In addition, the Master Plan shall be revised to show access to the northern most lots; 9) Upon submittal of the Preliminary Plat, the plat shall be revised to provide the dedication of the entire right-of-way width for Fifth Street as it abuts the subject property or a Variance to the Subdivision Regulations shall be obtained to allow platting of half of the right-of-way; 10) Prior to Preliminary Plat approval by the City Council, construction plans for the section line highway located along the west lot line shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated; 11) Upon submittal of the Preliminary Plat, 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. Any interim on-site water system shall provide necessary fire flows; 12) Upon submittal of the Preliminary Plat, a plat document showing road names shall be submitted for review and approval; 13) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review

and approval; and, 14) 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.)

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**END OF PLANNING CONSENT CALENDAR**

The Mayor presented No. 02PL110, a request by Dream Design International, Inc. for a **Final Plat** located northwest of the intersection of Country Road and Nike Road. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Northbrook Village, Lots 2-13 and Lots 16-24, Block 8 located in the SE1/4 SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Northbrook Village, Lots 2-13 and Lots 16-24, Block 8 located in the SE1/4 SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 3<sup>rd</sup> day of March, 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 Hadley. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The next item discussed by the Council was No. 03PL003, a request by Gary and Donna Kluthe for a **Layout Plat** on Lots A and Lot B of Two Cow Subdivision, Section 36, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as SE1/4 NE1/4 and the NE1/4 NE1/4 lying south of County Road #C228 (Sheridan Lake Road) and Lot W all located in Section 36, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, located at 9425 Sheridan Lake Road. Motion was made by Rodriguez, seconded by Hadley and carried to defer action on this item until after Agenda Item No. 69.

The Mayor presented No. 03PL011, a request by Renner & Sperlich Engineering for Pat Wyss for a **Layout, Preliminary and Final Plat** on Lot 12R-2 and Lot 13R-2 of Block 3, Skyline Pines Subdivision, located in the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 12R and Lot 13R of Block 3, Skyline Pines Subdivision, located in the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1434 and 1444 Pevans Parkway. Motion was made by Hanks, seconded by Murphy and carried to continue this item until March 17, 2003.

The Mayor presented No. 03VE002, a request by Wyss Associates, Inc. for Skyline Pines Development Co. for a **Vacation of Note on Plat** on Lots 7 and 8, Block 2, Skyline Pines Subdivision, located in the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1501 and 1515 Pevans Parkway. Motion was made by Rodriguez and seconded by Waugh to continue this item until March 17, 2003. Substitute motion was made by Hanks and seconded by Murphy to deny the request, as recommended by the Planning Commission. Pat Wyss requested that this item be deferred until after Agenda Item No. 88. Hanks amended his motion to defer action on this item until after Agenda Item No. 88. Seconded by Waugh. Upon vote being taken, the motion carried unanimously.

The Mayor presented No. 02PL070, a request by Dream Design International, Inc. for a **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 Waugh and carried to continue this item until March 17, 2003.

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

The Mayor presented No. 03CA002, a request by Deb-N-Hads Investments, LLC for Hadcock Construction, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.140 acre parcel of land from High Density Residential to Office Commercial** on Lot N less the south three feet of Block 116, Original Town Rapid City, Section 1, T1N, R7E, BHM, Rapid City, South Dakota, located at 429 Quincy Street. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until March 17, 2003.

The Mayor presented No. 03CA003, a request by Wyss Associates, Inc. for Dr. Andrew Severson for an **Amendment to the Major Street Plan**, an element of the Comprehensive Plan, by reclassifying Park Drive from a minor arterial street to a collector street, located within Section 9 and 16, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, located in southwest Rapid City. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item until April 7, 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 Waugh and carried to continue this item until March 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 Waugh and carried to continue this item until March 17, 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 Waugh and carried to continue this item until March 17, 2003.

The Mayor presented No. 03SV004, a request by Gary and Donna Kluthe for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Subdivision Regulations** on Lots A and Lot B of Two Cow Subdivision, Section 36, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as SE1/4 NE1/4 and the NE1/4 NE1/4 lying south of County Road #C228 (Sheridan Lake Road) and Lot W all located in Section 36, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, located at 9425 Sheridan Lake Road. Motion was made by Rodriguez and seconded by Johnson to accept the Planning Commission recommendation that the Variance to the Subdivision Regulations to waive pavement and sidewalk on the west side along Peregrine Point Place be denied; that the Special Exception to the Street Design Criteria Manual to allow access from a higher order street be denied; and, that the Variance to the Subdivision Regulations to waive curb, gutter, sidewalk, water, dry sewer and street light conduit along Sheridan Lake Road and curb, gutter, sidewalk on the east side, street light conduit, dry sewer and water along Peregrine Point Place be approved with the following stipulation: 1) Prior to Final Plat approval by the City Council, the applicant shall submit a signed Waiver of Right to Protest an assessment district for the required subdivision improvements. Kluthe explained that he has 64 acres and is attempting to plat off a six-acre parcel so that he can build a new home. There was discussion about the requirement to pave the road when only two properties will be using the road. One of these properties is a bed and breakfast establishment and they do not want the road paved because of the possible increase in traffic. Kluthe said he does not anticipate any additional development along this road because of the very rough terrain. Kroeger stated that he inspected this property last week. Much of the land is not buildable because of a deep draw that runs through the property. Also, the property is not accessible from Peregrine Point Place. It does not make sense to require that this road be paved and that a sidewalk be put in at this time. Kroeger suggested that Mr. Kluthe be required to pave to the point of access to the newly platted six-acre lot. Substitute motion was made by Kroeger and seconded by Rodriguez to waive the requirement for pavement and sidewalk along Peregrine Point Place on the condition that the property owner sign a Waiver of Right to Protest. If the six-acre tract is subdivided in the future, the paving and sidewalk would be required. Hanks stated that he feels the applicant should pave the first 50' of this road, as required in the ordinance for driveways. This will help keep the mud and gravel off Sheridan Lake Road. Second Substitute motion was made by Hanks and seconded by Johnson to grant special exceptions to the Street Design Criteria Manual with the requirement to pave the first 50' off Sheridan Lake Road, waiving the curb & gutter, sidewalk, dry sewer, street light conduit, and affirm the Planning Commission's recommendation on Sheridan Lake Road. Upon vote being taken, the motion carried unanimously.

The Mayor presented No. 03PL003, a request by Gary and Donna Kluthe for a **Layout Plat** on Lots A and Lot B of Two Cow Subdivision, Section 36, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as SE1/4 NE1/4 and the NE1/4 NE1/4 lying south of County Road #C228 (Sheridan Lake Road) and Lot W all located in Section 36,

T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, located at 9425 Sheridan Lake Road. Motion was made by Rodriguez, seconded by Kroeger and carried to approve the Layout Plat, with the following stipulations: 1) Upon Preliminary Plat submittal, the applicant shall identify access to proposed Lot A from Peregrine Point Place; 2) Upon Preliminary Plat submittal, the applicant shall submit drainage and grading plans for review and approval; 3) Upon Preliminary Plat submittal, the applicant shall submit for review and approval subdivision improvement plans for Peregrine Point Place and the right of way easement in the southeast corner of the subject property; 4) Prior to Preliminary Plat approval by the City Council, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. Complete street design plans identifying the location of utilities, storm drainage, curb and gutter, dry sewer, water, street light conduit and sidewalk improvements for all adjacent and interior roadways or a Variance to the Subdivision Regulations shall be obtained; 5) Prior to Final Plat approval by the City Council, the applicant shall submit a well maintenance agreement for review and approval, to be filed with the Final Plat; 6) Prior to Preliminary Plat approval by the City Council, the applicant shall submit for review and approval soil profile and percolation data collected within five feet of the proposed drainfield area for Lot A; 7) Prior to Preliminary Plat approval by the City Council, the applicant shall submit plans prepared by a registered professional engineer for a septic tank wastewater disposal system; 8) Upon Preliminary Plat submittal, the applicant shall submit information demonstrating how the existing septic tank disposal system may be brought into compliance with State separation requirements; 9) Upon Preliminary Plat submittal, the applicant shall identify the primary and reserve drainfield easements for proposed Lots A and B; 10) Upon Preliminary Plat submittal, the applicant shall submit documentation verifying the depth of the well; 11) Prior to Preliminary Plat approval by the City Council, the applicant shall submit information which demonstrates that the flow from the existing well is adequate for domestic use and shall provide flows required for fire protection; 12) Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that access to the proposed lots meet the requirements of the Street Design Criteria Manual; 13) Upon Preliminary Plat submittal, the applicant shall demonstrate whether Sheridan Lake Road is currently dedicated right of way, and how any required additional right of way shall be dedicated. Any required additional right of way shall be dedicated prior to Preliminary Plat approval by the City Council; 14) Upon Preliminary Plat submittal, the applicant shall demonstrate how Peregrine Point Place right of way shall be dedicated. The right of way shall be dedicated prior to Preliminary Plat approval by the City Council; 15) Upon Preliminary Plat submittal, the applicant shall identify the lot lines of the well lot, section line highway and all easements on the property; 16) Upon Preliminary Plat submittal, the applicant shall identify a non-access easement along Sheridan Lake Road and along a minimum of 85 feet adjacent to Peregrine Point Place south from the intersection with Sheridan Lake Road; 17) Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that access to the proposed lots will meet all Uniform Fire Code requirements; 18) Prior to Preliminary Plat approval by the City Council, the applicant shall submit for review and approval by the City Fire Department a wildland fire mitigation plan; 19) Upon Preliminary Plat submittal, the applicant shall demonstrate alignment of Peregrine Point Place and Norsemen Lane where they intersect with Sheridan Lake Road; 20) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; 21) Prior to Final Plat approval by the City Council, improvements to the section line highway (Peregrine Point Place) and access easement shall be completed, or a Variance to the Subdivision Regulations shall be obtained to waive the requirements; and, 22) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.

The Mayor presented No. 03SV005, a request by Centerline for Larry Lewis and Kenneth Kirkeby for a **Variance to the Subdivision Regulations to waive all street improvements as per Chapter 16.16 of the Subdivision Regulations** on Parcel A of Tract SB of Springbrook Acres Addition, Tract SB Revised of Springbrook Acres Addition, and Lot 19R3



of Fairway Hill PRD located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of Tract SB of Springbrook Acres Addition and all of Lot 19R2 of Fairway Hills PRD located in the SW1/4 NE1/4, NW1/4 SE1/4 and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Fairway Hills and Sandstone Ridge Subdivision. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until March 17, 2003.

The Mayor presented No. 03SV006, a request by Kent Snow for a **Variance to the Subdivision Regulations to waive the requirement for section line highway improvements and to waive the requirement to install sewer and sidewalk along Enchantment Road** on Lots 37R, 38R and 39R, Enchanted Hills No.4 Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 37, 38 and 39, Enchanted Hills No.4 Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 639 Enchantment Road. Motion was made by Rodriguez, seconded by Johnson and carried to approve the requested Variance, with the following stipulation: 1) Prior to Final Plat approval by the City Council, the applicant shall submit a signed Waiver of Right to Protest an assessment district for the required subdivision improvements.

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, SD, located at the current terminus of Broadmoor Drive. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item until March 17, 2003.

### ***Ordinances & Resolutions***

The next item discussed by the Council was No. 03RZ002, second reading of **Ordinance 3804**, 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 Waugh and carried to continue this hearing until March 17, 2003.

The Mayor announced the meeting was open for hearing on No. 03RZ003, second reading of **Ordinance 3911**, 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 H-2 and H-3, Block 1, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Federal Avenue along Kinney Avenue. Notice of hearing on the proposed rezoning was published in the Rapid City Journal on February 8 and February 15, 2003. Ordinance 3911, having had the first reading on February 3, 2003, it was moved by Hadley and seconded by Waugh that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3911 the second time.

The Mayor presented No. 03RZ004, Second Reading, **Ordinance 3914**, a request by Deb-N-Hads Investments, LLC for Hadcock Construction, Inc. for a **Rezoning from High Density Residential District to Office Commercial District** on Lot N less the south three feet of Block 116, Original Town Rapid City, Section 1, T1N, R7E, BHM, Rapid City, South Dakota,

located at 429 Quincy Street. Motion was made by Hadley, seconded by Johnson and carried to continue this hearing until March 17, 2003.

The Mayor announced the meeting was open for hearing on No. 03RZ005, second reading of **Ordinance 3915**, a request by J. Scull Construction Service for Jim Scull, Jr. for a **Rezoning from Office Commercial District to General Commercial District** on Lot 13 less Lot H-2 and H-3, Block 1, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Federal Avenue along Kinney Avenue. Notice of hearing on the proposed rezoning was published in the Rapid City Journal on February 22 and March 1, 2003. Ordinance 3915, having had the first reading on February 17, 2003, it was moved by Hadley and seconded by Waugh that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3915 the second time.

**Ordinance 3916** (No. LF022603-08) entitled An Ordinance Amending Section 9.28.050 of Chapter 9.28 of the Rapid City Municipal Code to Allow Limited Model Rocketry Inside the City Limits, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3916 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, March 17, 2003.

**Ordinance 3917** (No. LF022603-07) entitled An Ordinance Amending Section 10.44.050 of Chapter 10.44 of the Rapid City Municipal Code Relating to Parking at the Airport, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3917 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, March 17, 2003.

**Ordinance 3918** (No. 03OA001) entitled An Ordinance Modifying Section 17.50.270(G)(6) and Adding Section 17.50.270(H)(9) of Chapter 17 of the Rapid City Municipal Code to Require the Provision of Handicapped Accessible Parking Stalls in Existing Lots When the Lots are Re-Striped, was introduced. Motion was made by Hadley and seconded by Waugh to approve first reading of Ordinance 3918 and set second reading for Monday, March 17, 2003. There was discussion about the provisions of the chart on page 10 of the ordinance. Altman noted that this particular section is not being revised by the ordinance before the Council at this time. Also, that provision applies to new parking lots, not lots being re-striped. Motion was made by Kooiker and seconded by Kriebel to change the numbers in the chart on Page 10 from 1-25 to 4-25. Altman explained that this chart applies to new parking lots only. If the chart is changed to 4-25, the Council would be reducing the number of handicapped spaces available. If there are only 2 or 3 spaces in a parking lot, they will not be required to designate one of them as handicapped accessible. Johnson urged the Council to be careful so that the change in parking requirements doesn't put someone out of business. Upon vote being taken, the motion to amend carried unanimously. Upon vote being taken, the original motion, as amended, carried unanimously and second reading will be heard on March 17, 2003.

**Ordinance 3919** (No. 03RZ006) a request by the City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on that portion of the NW1/4 SW1/4 lying south of highway right-of-way less Lot H1, and the SW1/4 SW1/4 less right-of-way, all located in Section 24, T1N, R7E, BHM, Pennington County, South Dakota, located south of Catron Boulevard, east of US Highway 16 and west of SD Highway 79, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3919 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, March 17, 2003 at 7:00 P.M.

**Legal & Finance Committee Items**

Motion was made by Hadley, seconded by Waugh and carried to authorize Mayor and Finance Officer to Sign **Regional Hospital LifeFlight Contract** and the SET rate schedule.

Motion was made by Rodriguez and seconded by Murphy to approve the Mayor's appointment of Peter Neumann for a three year term to the **Sign Board of Appeals** (No. CC030303-04). Roll call vote was taken: AYE: Rodriguez, Murphy, Hanks, Kroeger, Waugh and Johnson; NO: Kriebel, Kooiker and Hadley. Motion carried, 6-3.

Motion was made by Rodriguez and seconded by Murphy to approve the Mayor's appointment of Peter Neumann, Vernon Osterloo and Gary Sabers (alternate) for a Three Year Term to the **Zoning Board of Adjustment** (No. CC030303-03). Kooiker stated that he feels the City needs new faces on this board because there have been problems with attendance in the past. Roll call vote was taken: AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; NO: None. Motion carried, 9-0.

The next item on the agenda was direct staff to present the proposed **amendment to House Bill 1190** (relative to the airport annexation issue) to the State Legislature and let the legislators know that this amendment is the minimum acceptable to the City of Rapid City. Motion was made by Hanks, seconded by Rodriguez and carried to table this item.

**Public Works Committee Items**

Motion was made by Rodriguez and seconded by Murphy to approve Change Order No. 02F for ST02-938, **44<sup>th</sup> Street Reconstruction Project**, West Main to West South Street to Hills Materials Company for an increase of \$48,361.83. (No. PW012803-01). Roll call vote was taken: AYE: Rodriguez, Murphy, Hanks, Kroeger, Waugh, Johnson, Kriebel and Hadley; NO: Kooiker. Motion carried, 8-1.

Motion was made by Rodriguez and seconded by Murphy to approve No. PW022503-05 - Authorize Mayor and Finance Officer to sign a Professional Service Agreement with Phil Nichols Associates to Design W03-953, **Stoney Creek Water Booster Station** and Well House Project for an amount not to exceed \$101,125 which includes reimbursable expenses. Kooiker stated that he doesn't feel the consultant selection process was followed for this contract. Substitute motion was made by Kooiker and seconded by Hanks to refer this item back to the Public Works Committee for additional discussion. Roll call vote was taken: AYE: Hanks and Kooiker; NO: Rodriguez, Murphy, Kroeger, Waugh, Johnson, Kriebel and Hadley. Substitute motion failed, 2-7. Roll call vote was taken on the original motion: AYE: Rodriguez, Murphy, Hanks, Kroeger, Waugh, Johnson, Kriebel and Hadley; NO: Kooiker. Original motion carried, 8-1.

Motion was made by Rodriguez and seconded by Kroeger to approve No. PW022503-06 - Authorize Mayor and Finance Officer to sign a Professional Service Agreement with TSP Three, Inc. to Design ST03-1067, **West Boulevard Street & Utilities Reconstruction Project** for an amount not to exceed \$17,593 which includes reimbursable expenses. Roll call vote was taken: AYE: Kriebel, Johnson, Waugh, Kroeger, Hanks, Murphy and Rodriguez; NO: Hadley and Kooiker. Motion carried, 7-2.

The next item before the Council was No. 03VE001, a request by Wyss Associates, Inc. for Skyline Pines Development Co. for a **Vacation of Access Restriction** located at 1501 and 1515 Pevans Parkway. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION OF VACATION OF ACCESS RESTRICTION

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> day of March, 2003 to consider the vacation of an access restriction on Lots 7 and 8, Block 2, Skyline Pines Subdivision, located in the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1501 and 1515 Pevans Parkway, is not needed for public purpose; and

WHEREAS the owner(s) of property adjacent to the above-described property desires said portion of the access restriction to be vacated and released;

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

Dated this 3rd day of March, 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. Pat Wyss appeared before the Council and spoke in favor of the vacation of access restriction. He noted that this item was put on the plat at the owner's request. It is not a stipulation that was placed on the plat by the City Council. Wyss stated that the control for this access is that the property is zoned Park Forest which requires larger lot sizes. The following voted AYE: Hanks, Johnson, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; NO: Murphy, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03VE002, a request by Wyss Associates, Inc. for Skyline Pines Development Co. for a **Vacation of Note on Plat** located at 1501 and 1515 Pevans Parkway. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION OF MODIFICATION OF A NOTE ON THE PLAT

WHEREAS the Rapid City Planning Commission held a public hearing on the 20th day of February, 2003 to consider the modification of a note on the plat for Lots 7 and 8, Block 2, Skyline Pines Subdivision, located in the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1501 and 1515 Pevans Parkway;

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> day of March, 2003 to consider the Planning Commission's recommendation to deny the modification of a note on the plat for Lots 7 and 8, Block 2, Skyline Pines Subdivision, located in the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1501 and 1515 Pevans Parkway; and

WHEREAS the Rapid City Council finds that good cause appearing for the modification of a note on the plat;

BE IT RESOLVED by the Rapid City Council that the note on the plat reading:

"100 foot building setback line."

be modified on all pages of the original Plat on which it appears to read:

"50 foot building setback line."

BE IT FURTHER RESOLVED by the Rapid City Council, that the Resolution of Modification of Note on Plat be approved and attached to the original Plat recorded on August 13, 2001 in Book 30 of Plats on Page 61 (1-4), hereof and filed in the office of the Pennington County Register of Deeds.

Dated this 3rd day of March, 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, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; NO: Murphy, whereupon said Resolution was declared duly passed and adopted.

**Addendum**

Motion was made by Johnson, seconded by Waugh and carried to authorize staff to **advertise for bids** for Golf Clubs, Golf Balls, Shirts and Golf Shoes for the Pro Shop.

Motion was made by Rodriguez, seconded by Murphy and carried to authorize staff to purchase **Liquid Magnesium Chloride** road deicer for the Street Division under State Contract No. 13706 for the unit price of \$.52 per gallon as submitted by Envirotech Services, Inc. through local supplier Z&S Dust Control (Vendor No. 460427814) who agrees to honor the unit price.

**Finance Officer**

Motion was made by Kroeger, seconded by Rodriguez and carried to authorize the Mayor and Finance Officer to sign a Instructional Contract Proposal with Shelly Kaup to provide **Principles of Supervision classes** for city employees.

**Bills**

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

Payroll Paid Ending 02-22-03, Paid 02-28-03	615,445.64
Payroll Paid Ending 02-28-03, Paid 02-28-03	841,613.76
Payroll Paid Ending 02-22-03, Paid 02-28-03	948.48
Pioneer Bank, Taxes Paid 02-28-03	152,013.69
Pioneer Bank, Taxes Paid 02-28-03	209,441.64
Pioneer Bank, Taxes Paid 02-28-03	66.17
First Administrators, Claims Paid 02-18-03	62,120.25
First Administrators, Claims Paid 02-26-03	130,405.21
SD Department of Revenue, sales taxes Paid 2-19-03	13,292.09
SD Department of Revenue, sales taxes Paid 2-19-03	7,713.83
Wells Fargo, travel, Paid 02-19-03	2,272.95
US Postmaster, billing postage	1,100.00
Computer Bill List	854,176.81
Total	\$2,890,610.52

Payroll Paid Ending 02-08-03, Paid 02-14-03	2,608.80
Pioneer Bank, Taxes Paid 02-28-03	196.68
City of Rapid City, postage	158.19
Marlin Leasing, copier lease	3.87
Philfleet, gasoline	238.56
SD School of Mines, telephone	53.25
Total	<u>\$2,893,869.87</u>

**City Attorney**

Attorney Kent Hagg, representing Phatty McGees, explained to the Council that the elevator that is required to go into this establishment will not be installed by the March 1<sup>st</sup> deadline. The elevator company has experienced some delays that have affected this project. Hagg asked that the City consider extending the Certificate of Occupancy for this establishment until June 15, 2003. Jenny Lieberknight from Black Hills Elevator confirmed that there was some confusion between her company and Phatty McGees in that the ten weeks agreed to for the elevator was production time. Additional time will be needed for engineering, plan approvals and structural analysis. It will also take four weeks to install the elevator. Hagg stated that they are doing everything they can to expedite this process. He urged the City to consider extending the deadlines because closing the upstairs portion of the bar will create significant financial issues for the owners.

Motion was made by Rodriguez, seconded by Kroeger and carried to go into **Executive Session** to discuss two contractual matters. The Council came out of executive session at 11:40 P.M.

Motion was made by Rodriguez and seconded by Waugh to direct staff to enforce the stipulations in the matter of the **City of Rapid City vs. Phatty McGee's**. Roll call vote was taken: AYE: Rodriguez, Murphy, Kroeger, Waugh and Kriebel; NO: Hanks, Johnson, Kooiker and Hadley. Motion carried, 5-4.

Motion was made by Kooiker and seconded by Hanks that if people had a building permit before June 7, 2002, that Rapid City won't charge the **impact fee** for Rapid Valley. Roll call vote was taken: AYE: Hadley, Kooiker, Kriebel, Waugh, Kroeger, Hanks and Rodriguez; NO: Johnson and Murphy. Motion carried, 7-2.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:45 P.M.

CITY OF RAPID CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

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

(SEAL)