

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
May 5, 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, May 5, 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 Rodriguez, seconded by Hadley and carried to correct the minutes of April 7, 2003 to reflect the correct bid award amount for One New Current Model Year Front End Loader for the Street Division to Piorier Equipment Company in the amount of \$102,850; and **approve the minutes** of April 7 and April 21, 2003.

### ***Bid Openings***

Motion was made by Rodriguez, seconded by Murphy and carried to continue the bid opening report on the **West Boulevard Reconstruction Project ST03-1067** until after the Consent Calendar.

The following companies submitted bids for No. CC050503-01, **Co-Compost Facility Paving Project SWO02-1239** which were opened May 1, 2003: 1) J&J Asphalt, 2) Simon Contractors of South Dakota; 3) Bituminous Paving, and 4) Hills Materials. Staff has reviewed the bids and recommends award to Hills Materials. Motion was made by Rodriguez, seconded by Waugh and carried to award the bid for SWO02-1239 to Hills Materials Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$38,312.

The following companies submitted bids for No. CC050503-01, **2003 Edge Milling Project STCM03-1295** which were opened May 1, 2003: 1) Hills Materials Company; 2) J&J Asphalt; and 3) Simon Contractors of South Dakota. Staff has reviewed the bids and recommends award to Hills Materials. Motion was made by Waugh, seconded by Rodriguez and carried to award the bid for STCM03-1295 to Hills Materials Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$28,954.60.

The following companies submitted bids for No. CC050503-01, **Hot Mixed Asphaltic Concrete** and Asphalt Maintenance Mixtures for Various City Departments, which were opened May 1, 2003: 1) Hills Materials and 2) Simon Contractors of South Dakota. Staff has reviewed the bids and recommends award to Hills Materials. Motion was made by Rodriguez, seconded by Hanks and carried to award the bid for Hot Mixed Asphaltic Concrete and Asphalt Maintenance Mixtures to Hills Materials Company, the lowest responsible bidder meeting specifications, based on their low unit prices, as listed; with the option to extend the contract through 2004, 2005, and 2006.

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

Mayor Munson presented the **Citizen of the Month Award** to Jim White and commended him for outstanding volunteer service to the community.

Munson also presented a **Certificate of Recognition** to Grace Mickelson and commended her for outstanding volunteer service to the community.

Mayor Munson presented a plaque and the following Resolution to Mel Dreyer and commended him for outstanding service to the City in his position as Alderman for Ward Five:

**Resolution**

Whereas, Mel Dreyer has distinguished himself as a Ward Five City Council member since 1999; and

Whereas, During these past four years, Mel has provided the City Council and the citizens of Rapid City with a common sense approach to government and has represented his constituents well; and

Whereas, Mel Dreyer has been an active participant on many City Council committees working towards the betterment of our citizens; and

Whereas, The City Council takes this opportunity to express their gratitude and appreciation to Mel Dreyer for his service to the Rapid City community.

Now therefore be it resolved by the Common Council of the City of Rapid City, that the contributions of Mel Dreyer be officially recognized and become a permanent part of the records of the City of Rapid City, South Dakota for future generations to see.

Dated this 5th day of May, 2003.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

Mayor Munson presented a plaque and the following Resolution to Tom Johnson and commended him for outstanding service to the City in his position as Alderman for Ward One:

**Resolution**

Whereas, Tom Johnson has distinguished himself as a Ward One City Council member since 1999; and

Whereas, During these past four years, Tom has provided the City Council and the citizens of Rapid City with a common sense approach to government and has represented his constituents well; and

Whereas, Tom Johnson has been an active participant on many City Council committees working towards the betterment of our citizens; and

Whereas, The City Council takes this opportunity to express their gratitude and appreciation to Tom Johnson for his service to the Rapid City community.

Now therefore be it resolved by the Common Council of the City of Rapid City, that the contributions of Tom Johnson be officially recognized and become a permanent part of the records of the City of Rapid City, South Dakota for future generations to see.

Dated this 5th day of May, 2003.

CITY OF RAPID CITY

ATTEST:  
s/ Jim Preston, Finance Officer  
(Seal)

s/ Jerry Munson, Mayor

Council President Ron Kroeger presented a plaque and the following Resolution to Jerry Munson and commended him for outstanding service to the City as Mayor:

**Resolution**

Whereas, Jerry Munson has served as Mayor of Rapid City, South Dakota since May, 2001; and

Whereas, Jerry Munson has provided the citizens guidance and leadership during his tenure as Mayor and the uncertain times following September 11<sup>th</sup>; and

Whereas, the City Council of Rapid City on behalf of the citizens of Rapid City, takes this opportunity to express their gratitude and appreciation to Mayor Munson for his dedication and commitment to service.

Now therefore be it resolved, by the Common Council of the City of Rapid City, that the many accomplishments of Jerry Munson be recognized and become a permanent part of the record of the City of Rapid City for future generations to see.

Dated this 5th day of May, 2003.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

**Visitor Items**

Stacy Wollman and Lisa Sissenstein appeared before the Council to express their objections to the Council action relative to a beer license for the Perkins Restaurant on LaCrosse Street. Several citizens requested that the hearing be continued to May 5<sup>th</sup>, however, the license was approved by the Council on April 21<sup>st</sup>. They urged the Council to allow the public to speak on issues they are concerned with in the future.

**2012 Project Report**

Project Manager Rod Johnson went through the 2012 projects and updated the Council and public on the status of each project. Regarding the **Public Safety Building Expansion Project**, Police Chief Tieszen explained that the bids were opened on April 29<sup>th</sup> and were much higher than expected. The cost for this type of renovation project is difficult to estimate because of the changes that need to be made. For example, it will be necessary to remove all the wiring from the building and start over to accommodate the needs for technology. Also, the project expanded because of the existing over-crowding in the facility, and the need for additional parking at the courthouse complex. The end result is that the City's cost for this project is \$2,322,942. The current allocation is \$1,450,000 which leaves a shortfall of \$872,944. Tieszen requested that the City proceed with project and work to find additional funding. He added that this project is in the best interests of the community; the need is there and the project will not get any cheaper. Motion was made by Johnson and seconded by Rodriguez to refer the request for additional funding to the CIP and 2012 Committees for consideration. Finance Officer Preston stated that he would like to see the Council set a 2012 Committee meeting to discuss this issue. The only available funding through the CIP

Committee is in the Streets & Drainage budget. Substitute motion was made by Kroeger and seconded by Rodriguez to set a 2012 Committee meeting immediately after the Legal & Finance Committee meeting on May 14, 2003. Johnson urged the Council to review all options for funding this project. Kroeger amended the substitute motion to include that this issue also be discussed at the next CIP Meeting which is scheduled for Friday, May 16, 2003. Rodriguez concurred. Upon vote being taken, the substitute motion carried unanimously.

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

This was the time set for hearing on the application of United Downtown Association for a **Special Malt Beverage License** to be used on June 20, 2003, on 6th Street between Rapid Street and Main Street. Upon motion made by Hadley, seconded by Rodriguez and carried, the Council approved the application.

This was the time set for hearing on the application of Jim Didier dba Jefferson Bar (**Hotel Alex Johnson**), 523 Sixth Street, for an **On-Sale Liquor License Transfer** (from Sherri Ashley). Upon motion made by Hadley, seconded by Rodriguez and carried, the Council approved the application.

The next item on the agenda was a request from the Police Department to recommend to the SD Department of Revenue for revocation of On-Sale Liquor License No. 5871 held by Sheri Ashley dba **Uptown Grill**, 615 Main Street. Tieszen explained that this license has been transferred to new ownership. Motion was made by Hadley, seconded by Hanks and carried to table this item

Upon motion made by Hadley, seconded by Waugh and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, May 19, 2003:

- 6B. Dick & Waneta Ragels dba **Meadowbrook Grill & Pub**, 3625 Jackson Boulevard, for an On-Off Sale Malt Beverage License Transfer (from the City of Rapid City)
- 6C. Dick & Waneta Ragels dba **Meadowbrook Grill & Pub**, 3625 Jackson Boulevard, for an On-Sale Wine License Transfer (from the City of Rapid City)
- 6D. **Rushmore German Club**, for a Special Malt Beverage License to be used August 14 thru August 23, 2003 at the Central States Fairgrounds

### ***Consent Calendar***

The following items were removed from the Consent Calendar:

- 11. No. PW042903-01 – Authorize staff to advertise for bids for W99-845, Dyess Avenue Water Main Extension Project.
- 16. Approve the Development Appeals Review Board (DARB) decision to allow elevators and stair enclosures in the same room.
- 17. No. PW041503-20 – Approve the removal of on-street parking along 5<sup>th</sup> Street for only the reconstruction period of the Omaha Street project; and exempt a portion of 5<sup>th</sup> Street between Quincy and Kansas City streets.
- 31. No. LF043003-05 – Approve the Five Year Consolidated Plan and the Fiscal Year 2003 Annual Action Plan with the change in the project plan for the Cornerstone Mission to insulate the elevator and to place the request for funding in the amount of \$400,000 for the construction of a regional business incubator on the next 2012 Committee agenda.
- 44. Approve funding of TID 36 in the amount of \$1.1 million; and stipulate that revenue is to be taken from the IDPF fund and repaid into the fund as the TID is repaid.

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

**Set for Hearing:** (June 2, 2003)

- 7. No. 03VR001 - A request by TSP Three, Inc. for a **Vacation of Right-of-Way** on Lot 10A, Block 1, Owen Mann Subdivision; 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 in a portion of the cul-de-sac along Kinney Court.
- 8. No. 03VR002 - A request by Dream Design International, Inc. for a **Vacation of Right-of-Way** on Lots 1 thru 3 of Block 7 of Schnasse Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 225 East Watertown Street.

**Public Works Committee Items**

- 9. Correct the March 3, 2003 Council bid award for New Cold Water Meters to Sioux Pipe to include option of extending the 2003 contract through the calendar years of 2004, 2005 and 2006.
- 10. Correct the March 3, 2003 Council bid award for Automatic Meter Reading System to Sioux Pipe to include option of extending the 2003 contract through the calendar years of 2004, 2005 and 2006.
- 12. No. PW042903-02 – Authorize staff to advertise for bids for ST03-1067, West Boulevard Reconstruction Project – St. Patrick to St. James.
- 13. Direct the Public Works staff to research the different lighting options (residential and commercial), and bring forward at the May 13, 2003 Public Works Committee meeting a recommendation for a standard to use for all future projects.
- 14. No. PW042903-03 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with Ferber Engineering Company to Design Wonderland Drive Drainage Basin Plan for an amount not to exceed \$1,052.
- 15. No. PW042903-04 – Authorize Mayor and Finance Officer to sign Amendment No. 02 to Professional Service Agreement with Renner and Sperlich Engineering Company to Design W00-947, Sheridan Lake Road and Sunset Vista Road Water Main Extension Project for an amount not to exceed \$6,500.
- 18. Approve a request for a variance to Rapid City Municipal Code 13.08.140 (use of existing building sewers for new buildings) to allow reconstructed residential structure to connect to existing sanitary sewer service line at 1221 12<sup>th</sup> Street; and require the property owner to sign a Waiver of Right to Protest a future assessment project to extend the sewer main.
- 19. No. 03RD004 – Approve a Resolution for Pennington County renaming East 27th Street and North Valley Drive to Valley Drive located north of East Highway 44 extending north approximately 1/2 mile to East Anamosa Street.

RESOLUTION CHANGING THE ROAD NAMED  
EAST 27<sup>TH</sup> STREET AND NORTH VALLEY DRIVE TO VALLEY DRIVE

BE IT RESOLVED by the City of Rapid City that the road named East 27<sup>th</sup> Street and North Valley Drive on that portion of North Valley Drive and East 27th Street right-of-way located north of East Highway 44 extending north approximately 1/2 mile to East Anamosa Street, and is hereby renamed to Valley Drive.

Date this 5<sup>th</sup> day of May, 2003.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 20. No. 03VE004 – Approve with stipulations a Vacation of Utility Easement for John R. Barley located at 4710 Hamlin Court.

RESOLUTION OF VACATION OF EASEMENT

WHEREAS it appears that a portion of the utility easement on Lot 12, Block 1, County Heights Subdivision, Section 3, T1N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at 4710 Hamlin Court is not needed for public purpose; and

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

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

Dated this 5th day of May, 2003.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 21. Approve a Variance to the Street Design Criteria Manual for 6610 Carnoustie Court to allow a thirty foot driveway in a cul-de-sac for Scott Hadcock, Hadcock Construction.
- 22. Instruct Planning Department staff not to proceed with the involuntary annexation until August 1, 2003 for 320 acres south of Catron Blvd. (Lazy P6 Land Company).
- 23. Direct staff to acknowledge the pre-existence of a building at 527 Flormann Street, and not impose impact fees based upon prior building permits pulled prior to the implementation of the impact fee.
- 24. Direct Planning Department staff to research options with the Black Hills Council of Local Governments to provide Community Development services on an interim basis.
- 25. Place the implementation plan of the automated garbage collection system on the May 13, 2003 Public Works Committee agenda

**Legal & Finance Committee Items**

- 26. No. LF043003-01 – Approve Event Permit for Rapid City Police Department Cruiser Night to be held on June 6, 2003.
- 27. No. LF043003-02 – Authorize Rapid City-Pennington County HazMat Team to enter into a Memorandum of Understanding to Support South Dakota’s Department Homeland Defense Plan in the Event of a Terrorist Incident with the following counties: Bennett, Gregory, Haakon, Jackson, Mellette, Pennington, Shannon, Todd, and Tripp.
- 28. No. LF043003-03 – Authorize Mayor and Finance Officer to Sign Modification No. 1 to Federal Financial Assistance Award between USDA Forest Service, Black Hills National Forest and Rapid City Department of Fire and Emergency Services.
- 29. Authorize Mayor and Finance Officer to Sign Provider Agreement with Department of Social Services for Medicaid Care.
- 30. No. LF043003-04 – Approve Travel Request for Greta Chapman and Renee Ponzio to attend American Library Annual Conference from June 19-25, 2003 in an amount up to \$2,387.
- 32. No. LF043003-23 – Approve a Travel Request for Don Jarvinen to attend ESRI’s Instructor-Led Class ArcSDE Administration for SQL Server in Broomfield, Colorado from June 2-6, 2003 in the amount of \$3,178.

- 33. No. LF043003-24 – Direct staff to schedule a meeting between the Big Sky property owners and the Council to discuss annexation and to notify the property owners by letter of the meeting.
- 34. No. LF043003-08 – Approve a Resolution Designating Official Depositories.

RESOLUTION DESIGNATING OFFICIAL DEPOSITORIES

WHEREAS, Section 9-22-6, SDCL, as amended, requires the Governing Body to designate official depositories in which municipal funds may be deposited;

NOW, THEREFORE, BE IT RESOLVED that the following institutions be designated as official depositories for the City of Rapid City:

- US Bank
- First Western Federal Savings Bank
- Rushmore Bank and Trust
- American State Bank
- Pioneer Bank and Trust
- Wells Fargo
- A.G. Edwards & Sons, Inc.
- Dougherty, Dawkins, Strand & Yost
- Dain Rauscher, Inc.
- Investment Center of America, Inc.
- KT Investments
- First National Bank
- Voyageur Investment Management
- Edward Jones Investments
- Black Hills Federal Credit Union
- Capstone Asset Management Company

Dated this 5th day of May, 2003.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 35. No. LF043003-09 – Approve a 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:

- Water Reclamation Division  
Ford F700 Truck, SN 1FDXK74C8PVA40115

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 5<sup>th</sup> day of May, 2003.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

36. No. LF043003-10 – Authorize Mayor and Finance Officer to Sign Lease Agreement between City of Rapid City and Rapid City Girls Junior Olympic Amateur Softball Association.
37. No. LF043003-11 – Authorize Mayor and Finance Officer to Sign Lease Agreement between City of Rapid City and Rapid City Girls Junior Olympic Amateur Softball Association.
38. No. LF043003-12 – Authorize Mayor and Finance Officer to Sign Lease Agreement between City of Rapid City and Black Hills BMX Association.
39. No. LF043003-13 – Authorize Mayor and Finance Officer to Sign Lease Agreement between City of Rapid City and Rapid City Church Softball League.
40. No. LF043003-14 – Authorize Mayor and Finance Officer to Sign Lease Agreement between City of Rapid City and Black Hills Farmers Market.
41. No. LF043003-15 – Authorize Mayor and Finance Officer to Sign Authorized Provider Agreement with American Red Cross.
42. No. LF043003-17 – Authorize staff to Advertise for Bids for One (1) New Current Model Year Greens Mower for Municipal Golf Courses.
43. No. LF043003-18 – Approve the Following Abatement: Larry A. Hoback, 2002, \$79.36.
45. No. LF043003-19 – Direct the City Attorney's office to finalize the Infrastructure Development Agreement between the City of Rapid City and the Hendersons and include the option of either a letter of credit or a certificate of deposit securing the loan.
46. No. LF043003-20 – Approve Appointment of Don Dubej as the Electrical Utility Representative and Jim Mullenberg as the Master Electrician Representative to the Rapid City Electrical Board for Two Year Terms.
47. No. LF043003-21 – Approve Appointment of Jeff Medley as Wholesale Business Representative to the Rapid City Plumbing Board for Two Year Terms.
48. No. LF043003-22 – Approve Appointment of James Schamber to the Rapid City Mayor's Committee on Disabilities (Term to Expire December, 2003).
49. Approve funding for EAFB Task Force in the sum of \$56,000 out of the Council Contingency Fund for 2003 and include additional funding for the EAFB Task Force in the budget for 2004 and 2005.

**Raffle**

- 49A. Request from the **Veterans Coordination Commission** to sell Poppies and Forget-Me-Nots for the purpose of assisting veterans and their families: American Legion Auxiliary Poppies: May 1-May 16, 2003; Disabled American Veterans Forget-Me-Nots: June 14-June 27, 2003; and Veterans for Foreign War Poppies: May 17 thru May 31, 2003

End of Consent Calendar

Motion was made by Kroeger, seconded by Rodriguez and carried to approve No. PW042903-01 – Authorize staff to advertise for bids for W99-845, Dyess Avenue Water Main Extension Project.

The next item discussed by the Council was the bid opening for **West Boulevard Reconstruction Project ST03-1067**. The following companies submitted bids which were opened on May 1, 2003: 1) RCS Construction; 2) Heavy Constructors; 3) Mainline Contracting; 4) Hills Materials Company and 5) Simon Contractors of South Dakota. Staff has

reviewed the bids and recommends award to Simon Contractors. Motion was made by Rodriguez, seconded by Kroeger and carried to award the bid for ST03-1067 to Simon Contractors of South Dakota, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$1,453,304.54.

Motion was made by Rodriguez and seconded by Hanks to approve the Development Appeals Review Board (DARB) decision to **allow elevators and stair enclosures** in the same room. Johnson asked if the Fire Department was involved with this review process. Lehman stated that he would verify the Department's information on this location. Substitute Motion as made by Johnson and seconded by Murphy to refer this issue back to the Legal & Finance Committee for recommendation from the Fire Department. Building Official Jim Clark explained that this issue has been approved throughout the city on several occasions. George Dunham stated that he thinks Bill Knight from the Fire Department was involved with this decision. Second substitute motion was made by Kooiker and seconded by Waugh to continue this item until the end of the agenda. Brad Estes requested that the City Council act on this item tonight. He is ready to proceed with the project and a two week delay will have a negative impact on the project. Roll call vote was taken on the motion to continue to later in the meeting: AYE: Rodriguez, Murphy, Dreyer, Kroeger, Waugh, Johnson and Kooiker; NO: Hanks, Hadley and Kriebel. Motion carried, 7-3.

Motion was made by Hadley and seconded by Rodriguez to approve the removal of on-street **parking along 5<sup>th</sup> Street** for only the reconstruction period of the Omaha Street project; and exempt a portion of 5<sup>th</sup> Street between Quincy and Kansas City streets (No. PW041503-20). Diane Alberts and Jerry Freed spoke against removing any parking in this area. This area of the community has lost parking spaces in the past due to road construction projects and it is a detriment to the businesses in this location. Freed noted that the manager of Firestone and representatives from the DeMersseman Jensen Christensen Law Firm also oppose the removal of parking on Fifth Street. Doug Nargang, owner of the Aby's Feed & Seed building, stated that they have already lost parking in front of this location. If this parking is removed, it will lower the valuation of this building and make selling it much more difficult. Kriebel asked staff what would happen if the parking were left on Fifth Street between Main and Omaha Streets. Engineering Division Manager Randy Nelson explained that the difficulty in leaving this parking is that the volume of traffic that will be diverted onto Main Street is expected to go up as Omaha Street becomes more impacted. In order for the traffic to turn left and go westbound on Main Street, and not degrade the intersection to the point that it locks up, it is necessary to have two turn lanes. Nelson stated that the impact area to this area is going to be much greater than the loss of the parking. It will be difficult to get to the area and people will go elsewhere because of traffic issues. It is starting to show up now and the situation will continue to degrade. We will see traffic backing up into the St. Joe intersection and it will only be a short time before the accident rates goes up in this area. Johnson stated that this is a phased project and he doesn't feel the loss of parking is needed for the entire two years. Also, he suggested that staff consider one turn lane and one optional turn lane. The businesses in this area need parking or they will not be viable. Substitute motion was made by Rodriguez, seconded by Johnson and carried to refer this issue back to the Public Works Committee for additional discussion and input from the business owners in this area.

Motion was made by Kroeger and seconded by Kriebel to approve the **Five Year Consolidated Plan** and the **Fiscal Year 2003 Annual Action Plan** with the change in the project plan for the Cornerstone Mission to insulate the elevator; and to place the request for funding in the amount of \$400,000 for construction of a regional business incubator on the next 2012 Committee agenda (No. LF043003-05). Elkins noted that this is the public hearing on the Five Year Plan and the Annual Action Plan. Johnson stated that there is no funding available in the 2012 program for this project. Roll call vote was taken: AYE: Rodriguez, Hanks, Dreyer, Kroeger, Waugh and Kriebel; NO: Murphy, Johnson and Hadley. Motion carried, 6-3.

Motion was made by Hanks and seconded by Kroeger to approve funding of **Tax Increment District No. 36** in the amount of \$1.1 million; and stipulate that revenue is to be taken from the IDPF fund and repaid into the fund as the TID is repaid. Altman stated that this is not going to be an IDPF loan; only a transfer of funding from the IDPF Fund to pay for the TID. As the TID is repaid, the IDPF will be repaid. Johnson and Kooiker expressed concern that there is no documentation to explain this transaction. He stated that he is not opposed to this project and urged staff to put a letter in the file explaining this process. Roll call vote was taken: AYE: Rodriguez, Murphy, Hanks, Dreyer, Kroeger, Waugh and Kriebel; NO: Johnson, Hadley and Kooiker. Motion carried, 7-3.

At this time, the Council considered the recommendation of the Development Appeals Review Board (DARB) decision to **allow elevators and stair enclosures** in the same room. Motion was made by Rodriguez and seconded by Hanks to approve the decision. Rick Lehmann from the Fire Department explained that the Fire Protection Division was involved in the review process and concurs with the DARB recommendation. Upon vote being taken, the motion carried unanimously.

### ***Public Hearings***

The Mayor presented No. 03FV002, a **Fence Height Exception** for Henriksen Inc. to allow a six foot fence in lieu of a four foot fence in the twenty-five foot front yard on Tract A-1 of Meadows Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1051 East Minnesota Street. Motion was made by Rodriguez, seconded by Murphy and carried to approve the requested exception.

The Mayor presented No. 03FV003, a **Fence Height Exception** for petitioner Chandra Geranen to allow a six foot fence in lieu of a four foot fence in the twenty-five foot front yard on Lot 18, Block 4, Robbinsdale Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2128 Birch Avenue. Motion was made by Hadley, seconded by Kooiker and carried to approve the requested exception.

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

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

52. 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 MAY 19, 2003)
53. 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 MAY 19, 2003)
54. 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 MAY 19, 2003)

55. 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 MAY 19, 2003)
56. 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 MAY 19, 2003)
57. 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 MAY 19, 2003)
58. No. 02PL129 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 thru 23, MJK Subdivision, located in the NW1/4 of the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the balance of Parcel B MJK Subdivision less the Meadows Subdivision and less right-of-way, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Preakness Street between Field View Drive and the Truck Bypass. (CONTINUE TO JUNE 2, 2003)
59. No. 03PL001 - A request by Dream Design International for a **Preliminary and Final Plat** on Lots A, B, C and well lot, Miracle Place 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 MAY 19, 2003)
60. 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 MAY 19, 2003)

- 61. No. 03PL016 – Approve the request by Fisk Land Surveying & Consulting Engineering for Allen Nelson for a **Preliminary and Final Plat** located at 4231 Starlite Drive.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 3R, 25R and 27 of Forest Park Estates Subdivision, formerly all of Lot 3 and Lot 25 of Forest Park Estates Subdivision and the North 200' of the South 940' of the West 450' of Tract A, all in Section 16, T1N, 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 Lots 3R, 25R and 27 of Forest Park Estates Subdivision, formerly all of Lot 3 and Lot 25 of Forest Park Estates Subdivision and the North 200' of the South 940' of the West 450' of Tract A, all in Section 16, T1N, 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 5<sup>th</sup> day of May, 2003.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 62. No. 03PL025 - A request by Sean Casey for a **Preliminary and Final Plat** on Lot 29 Revised of Woodridge Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 29, 30 and 31, Woodridge Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1183 Woodridge Drive. (CONTINUE TO MAY 19, 2003)
- 63. No. 03PL026 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 and 2 of Block 12; Lots 1 thru 4 of Block 15; Lots 1 thru 10 of Block 17; and, Lots 1 thru 17 of Block 18, Red Rock Estates Phase-IV, NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Prestwick Road and Pro Street. (CONTINUE TO MAY 19, 2003)
- 64. No. 03PL027 - A request by Renner & Sperlich Engineering Company for Walgar Development for a **Layout, Preliminary and Final Plat** on Lot 2 of Block 1, Terracita Park Subdivision, Minnesota Street Right-of-Way, and Pedestrian Access and Utility Easement of the SW1/4 of the NW1/4 of the SE1/4 of Section 13, located in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington

County, South Dakota, legally described as the unplatted balance of the SW1/4 of the NW1/4 of the SE1/4 of Section 13, located in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of 5th Street and Minnesota Street. (CONTINUE TO MAY 19, 2003)

65. No. 03PL028 - A request by DLK Engineering for South Creek Village Limited Partnership for a **Preliminary and Final Plat** on Lot A and Lot B of Lot 2, Superpumper Addition, located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, Superpumper Addition located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Cambell Street and Fairmont Boulevard. (CONTINUE TO MAY 19, 2003)
66. No. 03PL030 - A request by Renner & Sperlich Engineering Co. for Gordon Howie for a **Layout, Preliminary and Final Plat** on Lots 12 thru 20 of Block 13, Lots 25 thru 32 of Block 14, and Lots 20 thru 25 of Block 15, Trailwood Village, located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located along Mercury Drive, Cabbot Court and Shad Street. (CONTINUE TO MAY 19, 2003)
67. No. 03PL031 - A request by Fisk Land Surveying & Consulting Engineers for the North Haines Volunteer Fire Department for a **Preliminary and Final Plat** on Lot 1, North Haines II Subdivision, located in the SE1/4 SE1/4 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota, legally described as a tract of land located in the SE1/4 of the SE1/4 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the southeast corner of said Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence, westerly along the southerly section line of said Section 18, a distance of 333 feet, more or less; thence, northerly and parallel to the easterly section line of said Section 18, a distance of 350 feet, more or less; thence, easterly and parallel to the southerly section line of said Section 18, a distance of 333 feet, more or less, to a point on the easterly section line of said Section 18; thence, southerly along the easterly section line, a distance of 350 feet, more or less, to the point of beginning, located at the intersection of Country Road and 143rd Street. (CONTINUE TO MAY 19, 2003)
68. No. 03PL032 - A request by Centerline, Inc. for A/R Group for a **Layout Plat** on Lot 1 of Tract 1 of Century "21" Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 1 of Century "21" Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Century Road and East North Street. (APPROVE WITH THE FOLLOWING CONDITIONS: 1) Upon submittal of a Preliminary Plat, a field topographic survey shall be submitted for review and approval; 2) Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that storm water flows are in accordance with the Perrine Basin Drainage Plan. Any run-off going into an adjoining drainage basin shall be kept to pre-developed conditions; 3) 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. In particular, the applicant shall demonstrate that the sewer service to proposed Lot 1 has adequate depth to serve the property. In addition, a Master Utility Plan demonstrating sewer services to the entire parcel particularly those properties located along Century Road shall be submitted for review and approval; 4) 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. In addition, a Master Utility Plan demonstrating water service to the entire parcel shall be submitted for review and approval; 5) Upon submittal of the Preliminary Plat, the plat shall be revised to show a non-access easement along East North Street. In addition, a non-access easement shall be shown along Century Road except for approved approach location(s); 6) 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. In addition, Century Road shall have a minimum design speed of 35 miles per hour; 7) Upon submittal of the Preliminary Plat, the Master Plan shall be revised to provide a road connection to the north lot line of the subject property; 8) 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; 9) Road names for the proposed streets as shown on the Master Plan shall be submitted for review and approval upon submittal of a Layout and/or Preliminary Plat for that portion of the property. In addition, the plat document shall be revised to show the approved road name(s). 10) Upon submittal of the Preliminary Plat, the plat document shall be revised to show a utility easement for the proposed relocation of the Western Area Power Administration Power Line; 11) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; 12) 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; 13) Prior to Preliminary Plat approval by the City Council, approach permits for future approaches along East North Street shall be obtained; and 14) The northern most east-west street shall be limited as a right-in/right-out only access road including turn lanes as needed until such time that a full movement intersection is approved by the South Dakota Department of Transportation and/or the City.)

69. No. 03PL033 - A request by Lyle and Bernadette Johnson for a **Layout Plat** on Lot B of Lazy A Subdivision, Section 4, T1S, R8E, BHM, Pennington County, South Dakota, legally described as S1/2 S1/2; N1/2 NW1/4 SW1/4; SE1/4 NW1/4 SW1/4, Section 4, T1S, R8E, BHM, Pennington County, South Dakota, located 2.25 miles south of Rapid City on South Highway 79. (APPROVE WITH THE FOLLOWING STIPLATIONS: 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 a drainfield easement for the existing drainfield and a reserve drainfield easement for the future location of a replacement drainfield; 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. If the existing on-site well continues to serve as the water source for the proposed lot, then the applicant shall demonstrate that the well provides adequate domestic water flows; 3) Upon submittal of a 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 roadways; 4) Upon submittal of a Preliminary Plat, a complete drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed; 5) Upon

submittal of a Preliminary Plat, road construction plans for the access easement located along the north lot line shall be submitted for review and approval. In particular, the forty foot wide access easement shall be revised to provide a minimum access width of 45 feet as required by the Street Design Criteria Manual. In addition, the road shall be constructed as a lane/place road with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 6) Upon submittal of a Preliminary Plat, the applicant shall demonstrate legal access to the unplatted balance located south of the subject property. If an access easement is to be granted across the proposed lot, then complete road construction plans for the access easement shall be submitted upon submittal of the Preliminary Plat or a Variance to the Subdivision Regulations shall be obtained; 7) Prior to Preliminary Plat approval by the City Council, an approach permit shall be obtained for the existing and/or proposed access points located along S.D. Highway 79; 8) Prior to Final Plat approval by the City Council, the plat document shall be revised to read "Lot A" instead of "Lot B" as currently proposed; 9) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 10) 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.)

70. No. 03PL034 - A request by Renner & Sperlich Engineering Company for Gary Rasmusson for a **Layout, Preliminary and Final Plat** on Lots 3 through 6 of Block 1, Terracita Park Subdivision, and Minnesota Street Right-of-Way located in the SW1/4 NW1/4 SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 NW1/4 SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Minnesota Street along Alta Vista Drive. (CONTINUE TO MAY 19, 2003)
71. No. 03PL035 - A request by Renner & Sperlich Engineering Company for Dean Kelly for a **Layout, Preliminary and Final Plat** on Lots B and C of Lot 6, Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3960 Corral Drive. (CONTINUE TO MAY 19, 2003)
72. No. 03PL036 - A request by Fisk Land Surveying and Consulting Engineers for John Skulborstad for a **Layout Plat** on Lots 1, 2 and 3, Vista Lake Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 and Lot F-1 of the Fish Hatchery Subdivision less Lot 13 Revised of the Cleghorn Canyon No. 2 Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Jackson Boulevard north of the Fish Hatchery. (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. 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. 3) Upon submittal of a Preliminary Plat, road construction plans shall be submitted for review and approval showing Jackson Boulevard as a principal arterial street. In particular, curb, gutter, sidewalk, street light conduit, sewer and water shall be constructed along Jackson Boulevard or a Variance to the Subdivision Regulations shall be obtained; 4) Upon submittal of a Preliminary Plat, road construction plans shall be submitted for review and approval showing the private access and utility easement as a lane/place street. In particular, the private access

easement shall be constructed with a minimum 49 foot wide right-of-way and a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained; 5) Upon submittal of a Preliminary Plat, the plat document shall be revised to show a non-access easement along Jackson Boulevard except for the approved approach locations; 6) Prior to Preliminary Plat approval by the City Council, the applicant shall enter into an agreement holding the City harmless for any damage and/or destruction that may result from a constructed walkway encroaching into a drainage channel or the encroachment shall be removed in accordance with the previously reviewed and approved drainage plan; 7) 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. In addition, adequate domestic water flow(s) shall be provided at each building site; 8) Prior to Final Plat approval by the City Council, a different subdivision name shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved subdivision name; 9) Prior to Final Plat approval by the City Council, a street name for the private access and utility easement shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved street name; 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;

- 73. No. 03PL037 – Approve the request by FMG, Inc. for Hart Ranch Development Company for a **Preliminary and Final Plat** located in Hart Ranch Development.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 37, Lot A of Lot 38, Lot B of Lot 38, and Lot 39 all located in Village on the Green No. 2 Subdivision, a portion of previously platted Spiken Ridge Parcel and Golf course Parcel of Hart Ranch Development, located in SE1/4 of the SW1/4 and SW1/4 of the SE1/4 of Section 12, T1S, 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 Lot 37, Lot A of Lot 38, Lot B of Lot 38, and Lot 39 all located in Village on the Green No. 2 Subdivision, a portion of previously platted Spiken Ridge Parcel and Golf course Parcel of Hart Ranch Development, located in SE1/4 of the SW1/4 and SW1/4 of the SE1/4 of Section 12, T1S, 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 5<sup>th</sup> day of May, 2003.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

74. No. 03PL038 - A request by FMG, Inc. for Bypass LLC for a **Layout Plat** on Lots 1 thru 9 of Block 1, Lots 1 thru 5 of Block 2, Lots 1 thru 12 of Block 3, Lot 1 of Block 4, Lots 1 thru 6 of Block 5, and Lot 1 of Block 6, Heartland I90 Business Park, located in the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NE1/4; N1/2 NE1/4 NE1/4; and the unplatted portion of the S1/2 NE1/4 NE1/4; N1/2 SE1/4 NE1/4 all in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north and west of the intersection of I-90 and Elk Vale Road. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of a Preliminary Plat, geotechnical information for the pavement design shall be submitted for review and approval; 2) 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; 3) 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. In particular, the sewer plan shall conform to the Northeast Area Study recommendations. In addition, access and utility easements shall be provided as necessary; 4) 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. In addition, a Master Plan in conformance with the Northeast Area Study recommendations shall be submitted for review and approval; 5) Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for all adjacent and interior roadways; 6) Upon submittal of the Preliminary Plat, road construction plans shall be submitted for review and approval showing Elk Vale Road as a principal arterial street. In particular, curb, gutter, street light conduit, water and sewer shall be constructed along Elk Vale Road. In addition, sidewalks shall be constructed along that portion of Elk Vale Road located in the General Commercial District or a Variance to the Subdivision Regulations shall be obtained; 7) Upon submittal of the Preliminary Plat, road construction plans shall be submitted for review and approval showing Mall Drive as a principal arterial street. In particular, curb, gutter, sidewalk, street light conduit, water and sewer shall be constructed along Mall Drive or a Variance to the Subdivision Regulations shall be obtained. In addition, the applicant shall identify responsibility for off-site improvements for Mall Drive as it extends west from Elk Vale Road across City property; 8) Prior to submittal of the Preliminary Plat, a Comprehensive Plan Amendment to the Major Street Plan shall be obtained relocating the north-south collector road approximately 800 feet west as shown on the plat document or the plat document shall be revised to provide a collector road in the adopted location. If the Comprehensive Plan Amendment is approved relocating the collector road as proposed, then upon submittal of the Preliminary Plat, road construction plans shall be submitted for review and approval showing West Road as a collector street. In particular, West Road shall be constructed with a minimum 60 foot wide right-of-way and a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. In addition, sidewalks shall be constructed along that portion of West Road located in the General Commercial District or a Variance to the Subdivision Regulations shall be obtained or a Variance to the Subdivision Regulations shall be obtained; 9) Prior to submittal of the Preliminary Plat, a Comprehensive Plan Amendment to the Major Street Plan shall be obtained relocating the east-west minor arterial street located along the north lot line approximately 500 feet south as shown on the plat document or the plat document shall be revised to provide a minor arterial road in the previously adopted location. If the Comprehensive Plan Amendment is approved, then upon submittal of the Preliminary Plat, road construction plans shall be submitted for review and approval showing Seger Drive as a minor arterial street. In particular, Seger Drive shall be

constructed with a minimum 100 foot wide right-of-way, curb, gutter, street light conduit, paved surface, water and sewer. In addition, sidewalks shall be constructed along that portion of Seger Drive located in the General Commercial District or a Variance to the Subdivision Regulations shall be obtained; 10) Upon submittal of the Preliminary Plat, road construction plans for East Road shall be submitted for review and approval. In particular, East Road shall be constructed as an industrial street with a minimum 59 foot wide right-of-way and a minimum 26 foot wide paved surface, curb, gutter, street light conduit, sewer and water. In addition, sidewalks shall be constructed along that portion of East Road located in the General Commercial District or a Variance to the Subdivision Regulations shall be obtained; 11) Upon submittal of the Preliminary Plat, road construction plans for the Cul-de-sac Road shall be submitted for review and approval. In particular, Cul-de-Sac Road shall be constructed as an industrial street with a minimum 59 foot wide right-of-way and a minimum 26 foot wide paved surface, curb, gutter, street light conduit, sewer and water. In addition, the bulb of the cul-de-sac shall be constructed to provide a minimum 110 foot diameter right-of-way with a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained 12) Upon submittal of the Preliminary Plat, the plat document shall be revised to show a non-access easement along Elk Vale Road except for the approved approach locations. In addition, the plat document shall be revised to show a shared approach between Lots 1 and 2 of Block 2 and Lots 5 and 6 of Block 1, respectively; 13) Upon submittal of the Preliminary Plat, the plat document shall identify all access to each lot from the lesser order street meeting the minimum separation requirement(s) as per the Street Design Criteria Manual or a Special Exception to the Street Design Criteria Manual shall be obtained; 14) Upon submittal of the Preliminary Plat, road construction plans for the section line highway located along the north lot line shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained or the section line highway shall be vacated; 15) Upon submittal of the Preliminary Plat, the plat document shall be revised to show a utility easement for the existing City sewer lift station located in the southeast corner of proposed Lot 1 of Block 2; 16. 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; 17) Prior to Preliminary Plat approval by the City Council, approach permits along Elk Vale Road for Mall Drive and Seger Drive shall be obtained; 18) Prior to Final Plat approval by the City Council, revised road names for "West Road", "East Road" and "Cul-de-sac Road" shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved road names; 19) Upon submittal of the Preliminary Plat, a different subdivision name shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved subdivision name prior to Final Plat approval by the City Council; 20) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 21) 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.)

### ***END OF PLANNING CONSENT CALENDAR***

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

County Register of Deeds, located west of Haines Avenue. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item until May 19, 2003.

**Planning Department – Hearings**

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 Sections 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 deny without prejudice.

The Mayor presented No. 03CA006, a request by Dream Design International, Inc. for Delores Catron for an **Amendment to the Comprehensive Plan to change the future land use designation on a 1.44 acre parcel of land from Residential to Office Commercial with a Planned Development Designation** on Parcel A, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2700 Jackson Boulevard. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 5<sup>th</sup> day of May, 2003 to consider an amendment to the Comprehensive Plan by changing the future land use designation on a 1.44 acre parcel of land from Residential to Office Commercial with a Planned Development Designation, on Parcel A, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and good cause appearing therefor

BE IT RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Rapid City Comprehensive Plan be amended as attached to the original hereof and filed in the Finance Office.

Dated this 5<sup>th</sup> day of May, 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, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03CA007, a request by DLK Engineering for South Creek Village Limited Partnership for an **Amendment to the Comprehensive Plan to change the future land use designation on a 12.896 acres parcel of land from Residential to General Commercial** on a parcel of land describe by metes and bounds as beginning at the SE Section Corner of Section 7, T1N, R8E, BHM; thence N89°32'15"W a distance of 639.26 feet more or less; thence N00°00'35"W a distance of 50 feet more or less to the True Point of Beginning; this point is the common corner of the South East corner of Lot 2 Fellowship Addition and the South West corner of the remaining balance of Lot 2 Superpumper Addition; thence N00°00'35"W a distance of 610.83 feet more or less; thence N89°29'15"W a distance of 22.78 feet more or less; thence N00°02'07"E a distance of 330.81 feet more or less; thence S 89°37'12"E a distance of 211.89 feet more or less; thence S00°01'35"W a distance of 942.35 feet more or less; thence N89°32'15"W a distance of 189.26 feet more or less to the

True Point of Beginning, located northwest of the intersection of Cambell Street and Fairmont Boulevard. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item until May 19, 2003.

The Mayor presented No. 03CA008, a request by Centerline, Inc. for Lazy P-6 Land Company, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 15 acre parcel from Light Industrial to General Commercial** on the west 494 feet of Government Lot 4 in the SW1/4 of Section 19, T1N, R8E, BHM, Pennington County, South Dakota, located south of the SE quadrant of proposed 5th Street and Catron Boulevard intersection. Motion was made by Rodriguez, seconded by Kroeger and carried to continue this item until May 19, 2003.

The Mayor presented No. 03CA009, a request by Centerline, Inc. for Lazy P-6 Land Company, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 5 acre parcel of land from Light Industrial to General Commercial** on the west 494 feet of Government Lot 3 less the north 900 feet in the NW1/4 SW1/4 of Section 19, T1N, R8E, BHM, Pennington County, South Dakota, located in the SE quadrant of proposed 5th Street and Catron Boulevard intersection. Motion was made by Rodriguez, seconded by Kroeger and carried to continue this item until May 19, 2003.

The Mayor presented No. 03CA010, a request by FMG, Inc. for Bypass LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on a 35.62 acre parcel of land from Light Industrial to General Commercial** on that part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following metes and bounds description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1188.29 feet to a point; thence N00°01'45"W, 1107.46 feet to a point; thence S89°57'07"E, 399.92 feet to a point along the East Section Line of Section 28; thence S00°01'17"E, 1383.49 feet to a point along the East Section Line of Section 28; thence N89°54'47"W, 32.73 feet to a rebar with survey cap marked "2652"; thence N89°54'47"W, 1292.77 feet to a point; thence S60°29'01"W, 1167.82 feet to a point; thence S74°51'58"W, 321.14 feet to an aluminum survey cap at the center of Section 28 at the point of beginning, located north and west of the intersection of I-90 and Elk Vale Road. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item until May 19, 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 Murphy and carried to continue this item until May 19, 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 approve the requested Variance, with the following stipulations: 1) That the applicant sign a waiver of right to protest any future assessment for the improvements; and 2) That the Variance to the Subdivision Regulations to waive the requirement to install water be approved contingent upon a water line being constructed to the northwest corner of the subject property within the Elk Vale Road right-of-way.

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 May 19, 2003.

The Mayor presented No. 03SV007, a request by Fisk Land Surveying & Consulting Engineering for Allen Nelson for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Starlite Drive and an access easement and to allow sidewalk on one side of Forest Park Circle as per Chapter 16.12 of the Subdivision Regulations** on Lots 3R, 25R, and 27 of Forest Park Estates all in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and Lot 25 of Forest Park Estates Subdivision and the north 200 feet of the south 940 feet of the west 450 feet of Tract A, all in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4231 Starlite Drive. Motion was made by Rodriguez, seconded by Waugh and carried to approve the requested Variance with the following stipulations: 1) That prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the installation of curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Starlite Drive; and, 2) That a sidewalk shall be constructed on one side of Forest Park Circle.

The Mayor presented No. 03SV011, a request by Sean Casey for a **Variance to the Subdivision Regulations to waive the requirement for sidewalks along Woodridge Drive and Pine Knoll Place** on Lot 29 Revised of Woodridge Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 29, 30 and 31 of Woodridge Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1183 Woodridge Drive. Motion as made by Rodriguez, seconded by Waugh and carried to continue this item until May 19, 2003.

The Mayor presented No. 03SV013, a request by Renner & Sperlich Engineering Company for Dean Kelly for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, dry sewer, paving and additional right-of-way width on Corral Drive as per Chapter 16.16 of the Subdivision Regulations** on Lots B and C of Lot 6, Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3960 Corral Drive. Motion as made by Rodriguez, seconded by Waugh and carried to continue this item until May 19, 2003.

The Mayor presented No. 03SV014, a request by Fisk Land Surveying and Consulting Engineers for John Skulborstad for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, dry sewer, water and paving as per Chapter 16.16 of the Subdivision Regulations** on Lots 1, 2 and 3, Vista Lake Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota,

legally described as Lot 1 and Lot F-1 of the Fish Hatchery Subdivision less Lot 13 Revised of the Cleghorn Canyon No. 2 Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Jackson Boulevard north of the Fish Hatchery. Motion was made by Rodriguez, seconded by Waugh and carried to approve the requested Variance with the following stipulations: 1. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment project for the construction of curb, gutter, sidewalk, street light conduit, sewer and water along the north side of Jackson Boulevard as it extends west from the private access and utility easement; and, 2. Upon submittal of a Major Amendment to the Planned Residential Development, road construction plans for that portion of Jackson Boulevard abutting Lot 1 and for the private access and utility easement shall be submitted for review and approval.

The Mayor presented No. 03SV015, a request by FMG, Inc. for Hart Ranch Development Company for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks on one side and to allow the existing street paving width and right-of-way width along Mulligan Mile as per Chapter 16.16 of the Subdivision Regulations** on Lot 37, Lot A of Lot 37, Lot B of Lot 38, and Lot 39 all located in Village on the Green No. 2 Subdivision, located in the SE1/4 SW1/4 SW1/4 SE1/4 of Section 12, T1S, R7E, Pennington County, South Dakota, legally described as that part of the Hart Ranch Golf Course Parcel located in Section 12, T1S, R7E, BHM, Pennington County, South Dakota that lies within the following metes and bounds description: Commencing at a 5/8" rebar with aluminum survey cap marked "4225" which is the intersection of the Mulligan Mile private drive and the southeasterly lot line of Lot B of Lot 36 of Village on the Green No. 2 Subdivision; thence N49°40'17"E, 136.34 feet along the southeasterly lot line of Lot B of Lot 36 of Village on the Green No. 2 Subdivision to a 5/8" rebar with aluminum survey cap marked "4225"; thence S25°01'56"E, 73.86 feet to a point; thence S70°47'58"E, 39.35 feet to a point; thence S70°11'50"E, 48.97 feet to a point; thence S47°29'47"E, 69.30 feet to a point; thence S46°25'39"E, 117.51 feet to a 5/8" rebar with aluminum survey cap marked "4225" thence S34°23'03"W, 105.24 feet along the northwesterly lot line of Lot A of Lot 40 of Village on the Green No. 2 Subdivision to a 5/8" rebar with aluminum survey cap marked "4225"; thence N55°36'57"W, 240.77 feet along the northerly line of the Mulligan Mile Private road to a point; said point also being the point of curvature of a curve to the right having a central angle of 15°13'57" and radius of 490.00 feet; thence northwesterly 130.27 feet along the arc of the curve which is the northerly line of the Mulligan Mile Private road to a 5/8" rebar with aluminum survey cap marked "4225" which is the point of beginning, located in Hart Ranch Development. Motion was made by Rodriguez, seconded by Murphy and carried to approve the requested Variance.

The Mayor presented No. 03SV016, a request by FMG, Inc. for Bypass LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk and to improve pavement along Elk Vale Road and to waive the requirement to install sidewalk along a portion of East Road, West Road, Seger Drive and Mall Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 9 of Block 1, Lots 1 thru 5 of Block 2, Lots 1 thru 12 of Block 3, Lot 1 of Block 4, Lots 1 thru 6 of Block 5, and Lot 1 of Block 6, Heartland I90 Business Park, located in the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NE1/4; N1/2 NE1/4 NE1/4; and the unplatted portion of the S1/2 NE1/4 NE1/4; N1/2 SE1/4 NE1/4 all in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north and west of the intersection of I-90 and Elk Vale Road. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item until May 19, 2003.

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

The Mayor announced the meeting was open for hearing on **Ordinance 3931** (No. 03RZ014) a request by Dream Design International, Inc. for Delores Catron for a **Rezoning from**

**Medium Density Residential District to Office Commercial District** on Parcel A, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2700 Jackson Boulevard. Notice of hearing was published in the Rapid City Journal on April 12 and April 19, 2003. Ordinance 3931, having had the first reading on April 7, 2003, it was moved by Hadley and seconded by Kooiker that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon the Mayor declared the motion duly passed and read the title of Ordinance 3931 the second time.

The Mayor presented No. 03RZ015, second reading of **Ordinance 3932**, a request by DLK Engineering for South Creek Village Limited Partnership for a **Rezoning from Medium Density Residential District to General Commercial District** on a parcel of land described by metes and bounds as beginning at the SE Section Corner of Section 7, T1N, R8E, BHM ; thence N89°32'15"W a distance of 639.26 feet more or less; thence N00°00'35"W a distance of 50 feet more or less to the True Point of Beginning; this point is the common corner of the South East corner of Lot 2 Fellowship Addition and the South West corner of the remaining balance of Lot 2 Superpumper Addition; thence N00°00'35"W a distance of 610.83 feet more or less; thence N89°29'15"W a distance of 22.78 feet more or less ; thence N00°02'07"E a distance of 330.81 feet more or less; thence S 89°37'12"E a distance of 211.89 feet more or less; thence S00°01'35"W a distance of 942.35 feet more or less; thence N89°32'15"W a distance of 189.26 feet more or less to the True Point of Beginning, located northwest of the intersection of Cambell Street and Fairmont Boulevard. Motion was made by Hadley, seconded by Kooiker and carried to continue this item until May 19, 2003.

The Mayor announced the meeting was open for hearing on No. 03RZ016, second reading of **Ordinance 3937**, a request by FMG, Inc. for Bypass LLC for a **Rezoning from General Agriculture District to Light Industrial District** on the following property: That part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following metes and bounds description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1188.29 feet to a point; thence N00°01'45"W, 1107.46 feet to a point; thence S89°57'07"E, 399.92 feet to a point along the East Section Line of Section 28; thence N00°01'17"W, 607.94 feet to a 5/8" rebar with an illegible survey cap at the NE Corner of Section 28; thence N89°57'07"W, 2651.99 feet to a point at the North 1/4 Corner of Section 28; thence S00°01'17"E, 33.00 feet to a rebar with survey cap marked "1019"; thence S00°01'17"E, 2617.83 feet to an aluminum survey cap at the center of Section 28 at the point of beginning, located north and west of the intersection of I-90 and Elk Vale Road. Notice of hearing was published in the Rapid City Journal on April 26 and May 3, 2003. Ordinance 3937, having had the first reading on April 21, 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, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3937 the second time.

The Mayor presented No. 03RZ017, second reading of **Ordinance 3938**, a request by FMG, Inc. for Bypass LLC for a **Rezoning from General Agriculture District to General Commercial District** on the following property: That part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following metes and bounds description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1188.29 feet to a point; thence N00°01'45"W, 1107.46 feet to a point; thence S89°57'07"E, 399.92 feet to a point along the east section line of Section 28; thence S00°01'17"E, 1383.49 feet to a point along the east section line of Section 28; thence N89°54'47"W, 32.73 feet to a rebar with survey cap marked "2652"; thence N89°54'47"W, 1292.77 feet to a point; thence S00°01'04"E, 663.68 feet to a point at the south 1/16 corner of the NE1/4 of Section 28; thence N89°48'22"W, 1326.47 feet to an aluminum survey cap at the center of Section 28 at the point of beginning, located north and west of the intersection of I-90 and Elk Vale Road.

Motion was made by Hadley, seconded by Waugh and carried to continue this hearing until May 19, 2003.

**Ordinance No. 3935** (No. CC042103-06) entitled An Ordinance Adopting, with Amendments, the 2002 National Electric Code by Repealing in its Entirety Chapter 15.16 of the Rapid City Municipal Code Entitled Electrical Code and Adopting a New Chapter 15.16 Entitled Electrical Code, having passed the first reading on April 21, 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, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3935 was declared duly passed upon its second reading.

**Ordinance No. 3936** entitled An Ordinance Establishing a Uniform Fee for Building, Plumbing, and Mechanical Permits by Amending Sections 15.12.050, 15.20.070, and 15.24.100 of the Rapid City Municipal Code (No. CC042103-03), having passed the first reading on April 21, 2003, it was moved by Hadley and seconded by Waugh that the title be read the second time. Kooiker stated that this ordinance will increase the cost of these permits from \$25 to \$37. Hadley explained that the reason for the increase in the permit fee is that the currently the city is not covering the cost of issuing these permits. The following voted AYE: Murphy, Hanks, Kroeger, Waugh, Kriebel and Hadley; NO: Johnson and Kooiker; whereupon the Mayor declared the motion passed and Ordinance 3936 was declared duly passed upon its second reading.

**Ordinance No. 3926** entitled An Ordinance Amending Section 15.32.240 of Chapter 15.32 of the Rapid City Municipal Code Relating to Application for Special Exceptions to the Flood Area Construction Regulations (No. LF041603-16), having passed the first reading on April 21, 2003, it was moved by Murphy and seconded by Waugh that the title be read the second time. City Attorney Altman explained that this ordinance will re-adopt the ordinance as it existed prior to July 1 of 2003. The reason for this action is that an amendment was made to the ordinance which inadvertently deleted the remainder of the ordinance. Altman requested that Paragraph C1 be amended to read "notification shall be delivered with return receipts to all property owners within 250 inclusive of dedicated right-of-way". This will be consistent with every other notification provision within the city. Murphy and Waugh agreed to add this to the motion. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3926 was declared duly passed upon its second reading.

**Ordinance No. 3939** Regarding Supplemental Appropriation No. 4 for 2003 (No. LF043003-06), was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3939 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, May 19, 2003.

**Ordinance No. 3940** (No. CC050503-02) entitled An Ordinance Amending Chapter 10.32 of the Rapid City Municipal Code by Changing the Title of Chapter 10.32 and by Adding a New Section 10.32.005 Defining Certain Terms and by Adding New Sections 10.32.200, 10.32.210, 10.32.220, 10.32.230, 10.22.240, 10.22.250, 10.22.260, 10.22.270, and 10.22.280 Regulating Overweight Trucks, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3940 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, May 19, 2003.

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

The next item discussed by the Council was the request by George Dunham for **Impact Fee Exemption**. City Attorney Altman requested that this item be continued for two weeks. Motion was made by Johnson, seconded by Hanks and carried to continue this item until May 19, 2003.

The Mayor presented No. LF043003-07, the proposed Engagement Letter with Ketel Thorstenson for the 2002 Audit. Motion was made by Hadley, seconded by Rodriguez and carried to authorize Mayor and Finance Officer to Sign Engagement Letter with Ketel Thorstenson, LLP to **Conduct the 2002 Audit** at a Cost Not to Exceed \$29,500 Including Out of Pocket Costs (20% Discount from the Standard Rate).

Motion was made by Rodriguez and seconded by Kroeger to authorize Mayor and Finance Officer to Sign Contract with K-T Connections, Inc. in the Amount of \$294,495 for **Audio/Visual Upgrades in the Council Chambers**. Kooiker stated that no contract has been submitted to the Council for review. Substitute motion was made by Kooiker and seconded by Hadley to refer this issue to the Legal & Finance Committee for further review. Roll call vote was taken: AYE: Johnson, Kooiker and Hadley; NO: Rodriguez, Murphy, Hanks, Dreyer, Kroeger, Waugh and Kriebel. Substitute motion failed, 3-7. Roll call vote was taken on the original motion to authorize signatures: AYE: Rodriguez, Murphy, Hanks, Dreyer, Kroeger and Waugh; NO: Johnson, Kriebel, Kooiker and Hadley. Motion carried, 6-4.

Motion was made by Hadley, seconded by Waugh and carried to authorize Mayor and Finance Officer to Sign Lease Agreement between City of Rapid City and **Rapid City Racers** Swim Club, Inc. (No. LF043003-16).

The following Resolution was introduced, read and Hanks moved its adoption (No. CC050503-03):

A RESOLUTION OF INTENT TO ENTER INTO LEASE OF LAND  
WITH STATE OF SOUTH DAKOTA, DEPARTMENT OF CORRECTIONS  
PURSUANT TO SDCL 9-12-5.2

BE IT RESOLVED by the City of Rapid City that the City of Rapid City intends to enter into a lease of real property for a minimum security housing facility with the State of South Dakota, Department of Corrections which property consists of two (2) to three (3) acres located in a portion of the South Half (S½), the Northeast Quarter (NE¼), and the East Half (E½) of the Northwest Quarter (NW¼) of Section Nineteen (19), Township One North (T1N), Range Eight East (R8E), Black Hills Meridian, Rapid City, Pennington County, South Dakota, and more commonly known as 5555 South Highway 79, Rapid City, South Dakota, 57701; and

BE IT FURTHER RESOLVED that a copy of this resolution of intent be published once at least ten (10) days prior to the hearing to be held at City Hall, 300 Sixth Street, Rapid City, South Dakota, at 7:00 o'clock, p.m., on the 19th day of May, 2003, or as soon thereafter as the item may come on for hearing at said meeting; and

BE IT FURTHER RESOLVED that following the hearing the City Council may adopt a resolution authorizing a lease upon the terms and conditions as it shall determine in said resolution.

Dated this 5th day of May, 2003.

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

CITY COUNCIL  
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Waugh. Kooiker asked about assurances from the Department of Corrections that this facility would be a minimum security facility only. If the State intends to locate a maximum security facility at this location

in the future, the public needs to know that. Asst. City Attorney Jason Green stated that he will relay this concern to the Department of Corrections and ask that they speak to this issue at the public hearing. The action before the Council at this time is the Resolution setting the public hearing. This resolution will be published in the Rapid City Journal so that there is public notice of the hearing at which time the City Council will consider the lease. The City will have a copy of the lease for review at the hearing. Johnson also requested information on how the building will be constructed and what type of landscaping will be used at this location. He asked that the Department of Corrections take into account how this facility will impact the South Rapid area. Roll call vote was taken: AYE: Rodriguez, Murphy, Hanks, Dreyer, Kroeger and Waugh; NO: Johnson, Kriebel, Kooiker and Hadley. Motion carried, 6-4.

The next item discussed by the Council was a request to waive the insurance requirement for Music in the Park to use the bandshell in Memorial Park (No. CC050503-04). Motion was made by Hadley and seconded by Kroeger to waive the insurance. Barb Evenson appeared before the Council representing Backroom Productions and on behalf of the 2003 Music in the Park Series. She noted that this program has been staged in Memorial Park for 22 years and there have never been any accidents. The program is free to all, non-alcoholic and family friendly. She added that it also encourages tourists to come to the area early or stay one day longer. This year, Music in the Park was asked to provide a separate \$1 million liability policy at an estimated cost of \$1,000. This represents a real hardship to the organization because of tight fund raising dollars. Hanks explained that it is the policy of the Civic Center that any non-city event is required to provide insurance whether it is in the Civic Center or in the bandshell. Hanks recommended that if the council desires, they could pay the cost of the insurance rather than waive the requirement. Johnson urged the council to be consistent and treat all programs and organizations the same. Hadley clarified his motion to pay for the insurance, not waive the requirement. Kroeger concurred. City Attorney Altman explained that he discussed this issue with Kathy McGuire who recommended that the City continue to require the insurance policy for activities in city-owned facilities. Kooiker noted that the Parks Department does not require this insurance for activities in the park shelters. If the bandshell was being managed by the Parks Department, we wouldn't be having this discussion. He suggested that a waiver be approved for this function and the issue be put on the next Legal & Finance Committee Agenda for discussion. Jason Green stated that the Civic Center Board strongly supports the requirement for insurance. The distinction between activities in the Parks or programs at the bandshell is that one of the groups is inviting the public to come to an event. The other use is a group of people deciding to go there on their own and not inviting others. Finance Officer Preston encouraged the Council not to waive the insurance requirement. It does put city taxpayers at risk. Hadley modified his motion as follows: Allocate \$1,000 from Council Contingency to cover the cost of insurance for Music in the Park. Kroeger concurred. Hanks encouraged the organization to apply for subsidy funds for future years. Kroeger objected to the insurance requirement for these events. There must be a better way to provide insurance for events conducted in the parks and bandshell. Kriebel concurred. Preston stated that his understanding is that the Music in the Park organization will acquire the insurance and present a bill to the city which will be reimbursed up to \$1,000. Hadley concurred. Waugh stated that he would like the Finance Officer to bring forward at the next L&F Meeting all the insurance questions that come up. We should sit down and analyze our current insurance policy and alternate ways we can get insurance for these events. Preston stated that he would like more time to present this information. This would allow him to approach the Insurance Committee for input. Waugh concurred and requested the information when it is available. Upon vote being taken, the motion carried unanimously.

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

Motion was made by Hanks and seconded by Waugh to direct staff to bring forward the changes to the **Standard Specifications** for Public Works Construction Projects and color code those changes, and delay the implementation of the standard specifications until August 1, 2003. Engineering Division Manager Randy Nelson stated that he will provide a copy of the

changes to the specifications, with color coding. He noted however, that the specifications were implemented in March of 2003. Projects that were advertised for bid after February 8, 2003 have used the new standard specs. There are approximately thirteen projects that have been bid which contain the new specs. As a result, the implementation would not be delayed. The City would be going back to the old specs and then begin a new version on August 1, 2003. This will create a significant amount of turmoil in the industry. He requested that the Council consider some form of an expedited appeals process for specific items contained in the specs rather than altering the implementation date. Upon vote being taken, the original motion carried with Murphy voting no.

Motion was made by Rodriguez, seconded by Waugh and carried to redefine **Truck and Delivery Routes**, and schedule a public meeting. Nelson stated that there would be no change to the existing routes until after the public hearing is held and the Council adopts a Resolution modifying the Routes, if they so choose. Rodriguez urged staff to conduct the public hearing as soon as possible. Planning Director Elkins anticipated that this hearing would be scheduled for the May 22<sup>nd</sup> Planning Commission meeting. Upon vote being taken, the motion carried unanimously.

Motion was made by Rodriguez, seconded by Waugh and carried to approve the purchase of two (2) new **portable truck scales** from Loadometer Corporation of Baltimore, MA under State Contract #13049 in the amount of \$6,700 for the Police Department Traffic Division.

Motion was made by Rodriguez, seconded by Waugh and carried to direct staff to prepare a cost estimate to trench from the **Knollwood Metering Dam** to the end of Racine Street.

### **Finance Officer**

Motion was made by Rodriguez, seconded by Kroeger and carried to approve the following Licenses: Electrical Apprentice: William J. Emeline, Ron E. Peterson, Andy Rieffenberger; Electrical Journeyman: Troy Fode, Jeremy Holzer, Mark Seifert; Mechanical Apprentice: Christopher D. Cerveny, Troy Hastings, Jesse Horst, Tim Von Eye; Mechanical Installer: Michael L. Bales, Jack Corean, Lance H. Walker, Jason L. Wold; Mechanical Contractor: Dennis Corcoran, Tessier's Inc.; Brian Staton, Advanced Heating & Air Conditioning; Plumber: Gerald C. Barry, Eric T. Blackwell, Dennis C. Carlton, Andrew B. Chado, Gayle Christianson, Rick Dehaven, Christopher Donovan, Terry L. Godfrey, Hilmen O. Hanson, Jeff Heil, Leo S. Kline, Kelly R. Krueger, Rodney V. Lagasse, Cecil Lewton, Bruce A. Nash, Henry Niemann, John E. Paulson, Scott W. Piebenga, Douglas D. Ries, Lloyd J. Roscamp, Charles T. Short, Rick A. Sidle, Leonard Snavelly, Ed Stiefvater, Jr., Louie J. Tippmann, Shayne Tines, Shoun Vanderpol, Leo F. Volin, Mark Weglin; Terry S. Wlodarczyk; Plumbing Apprentice: Eric Bigelow, Aaron A. Brown, Brent Hagemann, Troy Konda, Nick Kraft, Lon A. Krueger, Bill Mathieu, Jeremy Miller, Scott Skalicky, Ryan Strand, William Two Lance; Plumbing Contractor: Jon Anderson, Plumbing Plus; Darrell O. Barry, Darrell's Plumbing & Heating; Mike Buseti, Black Hills Plumbing; Joseph Fischbach, Fischbach Plumbing & Heating; John D. Hammond, Jr., Action Mechanical; Rod Holmes, Holmes Plumbing, Inc.; Dwight Kuntz, Action Mechanical; Michael K. Lindberg, MKL Plumbing; Robert Raczynski, AAA Plumbing; Jim Schnittgrund, Jim's Plumbing & Heating, Inc.; Tom Schultz, C&S Plumbing; Allan L. Spodnik, Custom Plumbing; Residential Contractor: Daniel J. Muth, Muth Homes, Inc.; Paul N. Shideler, Jr., Custom Exteriors; Steve Zimmer, SS Home Service; Trenching Journeyman: Kyle Holloway, Michael Jones, Darin McIntosh; Sewer & Water Installer Journeyman: Merritt Duffield.

### **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 04-19-03, Paid 04-25-03	612,426.35
Payroll Paid Ending 04-30-03, Paid 04-30-03	994,021.04
Payroll Paid Ending 04-19-03, Paid 04-25-03	948.48
Pioneer Bank, Taxes Paid 04-25-03	151,625.68
Pioneer Bank, Taxes Paid 04-30-03	255,527.73
Pioneer Bank, Taxes Paid 4-25-03	66.17
Berkley Risk Administrators, Paid 4-4-03	110,168.70
BH Power & Light, electricity, Paid 4-30-03	53,093.49
First Administrators, Claims Paid 04-23-03	96,213.67
First Administrators, Claims Paid 04-30-03	67,374.86
US Postmaster, billing postage	2,200.00
Computer Bill List	1,231,428.19
Total	<u>\$3,757,094.36</u>

Payroll Paid Ending 04-19-03, Paid 04-25-03	2,560.32
Pioneer Bank, Taxes Paid 04-25-03	187.67
City of Rapid City, postage	7.05
K-Mart Store 4170, supplies	27.97
Marlin Leasing, copier lease	3.11
SD School of Mines, telephone	52.26
Total	<u>\$3,577,932.74</u>

### ***Public Works Director***

Bjerke distributed the 2002 Public Works Annual Report.

### ***Recess***

The Council recessed at 10:00 to allow the newly elected representatives to take the Oath of Office.

The Council reconvened at 10:10 with the following members present: Mayor Jim Shaw and Council Members Alan Hanks, Jean French, Tom Murphy, Sam Kooiker, Bill Waugh, Martha Rodriguez, Ron Kroeger, Ray Hadley, Rick Kriebel and Jeff Partridge.

### ***Election of Officers***

Mayor Shaw asked for nominations for the **position of Council President**. Waugh nominated Ron Kroeger; second by Rodriguez. French nominated Alan Hanks; second by Kooiker. Motion was made by Kooiker, seconded by Waugh and carried that nominations cease. Council members voted verbally. Before a roll call could be taken, Hanks withdrew his name from consideration and Ron Kroeger was elected as Council President.

Mayor Shaw asked for nominations for the **position of Council Vice President**. Rodriguez nominated Bill Waugh; second by French. Motion was made by Kooiker, seconded by Kriebel and carried that nominations cease and a unanimous ballot be cast for Bill Waugh.

The Council recessed at 10:10 and reconvened at 10:25 with all members present. Motion was made by Hadley, seconded by Kriebel and carried to go into executive session to discuss personnel issues. The Council came out of executive session at 11:30 P.M. and no report was made.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:30 P.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

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

(SEAL)