

Chapter 16.16 of the Rapid City Municipal Code on Lots 3, 4, 6 and the north 81 feet of Lot 5, Ridge Park Addition No. 3, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3R and 5R, Ridge Park Addition No. 3, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located between Roosevelt Avenue and West Boulevard, north of Saint Anne Street and south of Saint Patrick Street. Kroeger moved, second by Hadcock and carried to approve the Variance with the following stipulation: Prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

The Mayor presented No. 05SV040, a request by D.C. Scott Co. for William Morrison for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalks, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1, Lot 2, Lot 3, Lot 4 and Lot 5, Morrison Subdivision, located in the SW1/4 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Parcel B, Lot 3, located in the SW1/4 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located adjacent to the north side of Green Valley Drive between Reservoir Road and Green Field Drive. Johnson moved, second by Hadcock and carried to Deny the Variance without prejudice.

The Mayor presented No. 05CA018, a request by City of Rapid City for an **Amendment to the Comprehensive Plan amending the Major Street Plan by eliminating and realigning several collector and arterial roads** on Sections 23, 24, 25, 26, 34, 35 and 36 in T1N, R7E, BHM, Pennington County, South Dakota, and Sections 19, 29, 30, 31 and 32, T1N, R8E, BHM, Pennington County, South Dakota, and Sections 1, 2, 3, 11 and 12, T1S, R7E, BHM, Pennington County, South Dakota, and Sections 5, 6, 7, 8, 17 and 18, T1S, R8E, BHM, Pennington County, South Dakota, located south of Minnesota Street, north of Spring Creek Road, east of US Highway 16 and west of SD Highway 79. Hurlbut moved, second by Hadcock and carried to continue to the August 1, 2005 Council meeting.

LEGAL & FINANCE COMMITTEE ITEMS

Chapman moved, second by Hadcock and carried to (No. LF071305-01) refer a request by Edward and Arlene Holcomb to park recreational vehicle at 801 Holcomb Avenue to the Planning Commission for possible amendments to the zoning ordinance and bring back a recommendation to the September 14, 2005, Legal and Finance Committee meeting, and to take no enforcement action prior to that time.

The next agenda item considered is No. CC071805-01, a Resolution Establishing the City's Liability Insurance Deductible Amount as the Maximum Amount of Indemnification for City Employees. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION ESTABLISHING THE CITY'S LIABILITY INSURANCE
DEDUCTIBLE AMOUNT AS THE MAXIMUM AMOUNT
OF INDEMNIFICATION FOR CITY EMPLOYEES

WHEREAS, the City of Rapid City purchases liability insurance coverage for the City and its employees; and

an application for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 8, 9, 10, 11 and 12 of Block 1, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the east side of Merlot Drive and north of East Oakland Street.

Elkins stated that a Planned Development approval for townhomes would need to be obtained prior to any townhouse development occurring on the subject property. Elkins explained the Planned Development procedure.

Landeen advised that it would not be appropriate to grant the subdivision variance based on the condition property not be used for any use other than a single family dwelling. Landeen commented that the area residents would be satisfied with the notification of any proposed Planned Development on the subject property. Discussion followed.

In response to Anderson's question, Elkins advised that area resident's would have the opportunity to address the Planning Commission with any concerns, comments or opposition they may have regarding the development of any potential townhouse project on the subject property. Discussion followed.

Mike Gibbs, area resident noted that the developer is not the same one that initiated the surrounding subdivision.

Schmidt moved, LeMay seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code be approved. (6 to 0 with Anderson, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

44. Discussion Items

Possible Ordinance Amendments to allow use of Recreational Vehicles in Residential Zoning Districts.

Elkins stated that the Ordinance Amendment is in relation to recreational vehicles in a Residential Zoning Districts that has come before the Public Works Committee. Elkins stated that an individual received a Code Enforcement letter that stated that the applicant was in violation of the 25 foot setback for storage of a recreational vehicle. Elkins commented that the Public Works Committee was advised that the resident traveled south for the winter and stays with family in the summer. Elkins stated that the Public Works Committee had requested that the Planning Commission consider ordinance amendments to allow individuals to stay in recreational vehicles during certain times or allow the use as a Conditional Use. Elkins stated that there have been concerns from the public that these uses would allow a second residence on a property creating a substandard

situation. She advised that Council has forwarded this discussion for review to the Planning Commission.

In response to Nash's question, Elkins stated that the recreational vehicle has to be stored outside of the 25 foot front yard set back is currently a requirement in City Ordinance. Elkins commented that Code Enforcement receives a number of complaints throughout the year regarding recreational vehicles utilized as temporary residence.

Schmidt expressed his opinion that there should not be any changes made to the existing ordinance.

Prairie Chicken expressed his opinion that ordinance should remain unchanged.

Nash expressed his opinion that Ordinance language should remain unchanged.

Prairie Chicken moved, LeMay seconded and unanimously carried to recommend that existing ordinances not be modified relating to the Recreation Vehicles. (6 to 0 with Anderson, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

45. Staff Items

Elkins advised that Todd Tucker would be leaving the Growth Management Department and would be moving to Boise, Idaho. She expressed her appreciation for all of his hard work during his short time with the City.

47. Committee Reports

- A. City Council Report (July 18, 2005)
The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:

No. 05PL110 - Morrison Subdivision

A request by D.C. Scott Co. for William Morrison to consider an application for a **Preliminary Plat** on Lot 1, Lot 2, Lot 3, Lot 4 and Lot 5, Morrison Subdivision, located in the SW1/4 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Parcel B, Lot 3, located in the SW1/4 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the north side of Green Valley Drive between Reservoir Road and Green Field Drive.

On July 7, 2005 the Planning Commission recommended that the Preliminary Plat be denied without prejudice. On July 18, 2005 the City Council approved the Preliminary Plat.

LIBRARY

No. LF091405-09 – Okrepkie moved to approve Travel Request for Jennifer Irwin, Greta Chapman, Terri Davis, Chris Getz, Jared Likness, Kim Baumberger, and MaryAnne Rohrer to attend the Annual State Library Conference in Pierre, SD, from October 5-7, 2005, in the approximate amount of \$2,261.20. Second by Johnson. Motion carried. ***Place item on consent calendar***

POLICE DEPARTMENT

No. LF091405-02 – Johnson moved to approve Travel Request for Annual Department Meeting at the Civic Center January 11-13, 2006, in the approximate amount of \$500. Second by Okrepkie. Motion carried. ***Place item on consent calendar***

No. LF091405-03 – Okrepkie moved to authorize Mayor and Finance Officer to sign Federal Equitable Sharing Agreement. Second by Johnson. Motion carried. ***Place item on consent calendar***

GROWTH MANAGEMENT

No. LF083105-10 – Hadcock moved to approve Second Reading and Recommendation of Ordinance No. 5089 Amending Chapter 8.40 of the Rapid City Municipal Code Pertaining to Emission Standards by Amending Section 8.40.010 and Adding Section 8.40.020. Second by Okrepkie. Motion carried.

No. LF083105-11 – Hadcock moved to approve Second Reading and Recommendation of Ordinance No. 5090 Amending Section 8.34.030 of the Rapid City Municipal Code Pertaining to Definitions. Second by Okrepkie. Motion carried.

No. LF083105-12 – Hadcock moved to approve Second Reading and Recommendation of Ordinance No. 5091 Amending Section 8.38.040 of the Rapid City Municipal Code Pertaining to Exempt Activities. Second by Okrepkie. Motion carried.

No. LF091405-11 – Marcia Elkins told the Committee that the ordinance that deals with recreational vehicles being parked outside of the 25 foot front yard set back was discussed at the Planning Commission. After a lengthy discussion, it was the Planning Commission's recommendation to make no change to the ordinance. Hadcock said she thinks something needs to be done. There are too many properties with recreational vehicles, and it would be impossible to stay on top of this problem. Jason Green explained that the ordinance does not prohibit the parking of recreational vehicles. It requires that they be parked outside of the 25 foot setback. He said Code Enforcement can deal with these violations. After further discussion, Johnson moved to table this item. Second by Okrepkie. Motion carried.

No. LF091405-12 – Marcia Elkins told the Committee that there has been some concern about the vacancies on the Planning Commission and the issue of a quorum at the meetings. She distributed a table showing the absences of the Planning Commissioners. Johnson said serving on the Planning Commission is a thankless job. It is a volunteer position and is very time consuming. He asked if it was possible to have alternates named to the Planning Commission.



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Code Enforcement
300 Sixth Street
Telephone: 605-355-3465
email: codeenforcement@rcgov.org

-Courtesy Note-

June 28, 2005

LF071305-01

Christine A. Bonawitz
801 Holcomb Avenue
Rapid City, SD 57701

RE: Property located at 801 Holcomb Avenue, legally described as Lots 14-16, Block 2, North Rapid
Subdivision

Dear Christine A. Bonawitz:

City of Rapid City personnel have performed inspection(s) of the property referenced above, and have observed residents living in recreational vehicle(s) on the property. This is not in accordance with the Rapid City Municipal Code. The city requests your cooperation in eliminating this non-complaint condition.

Rapid City Municipal Code §17.50.280, *Storage and Parking of Trailers and Commercial Vehicles*, states the following:

A1. Stall Location. All *recreational* vehicles, travel trailers and hauling trailers shall be parked or stored behind front yard setback line(s) when they are to remain stationary for more than seventy-two hours. The *vehicle(s)* and trailer(s), when combined with the principal and accessory buildings, shall not occupy more of the lot than allowed for under the district lot coverage provisions. Further, *vehicle* and/or trailer parking/storage pads shall be graveled or hard surfaced to eliminate dust, mud or weeds. Vehicles which are to remain stationary for more than seventy-two hours shall not serve as temporary or permanent sleeping quarters for any person.

The City of Rapid City requests your cooperation in achieving code compliance. The City will inspect your property again on July 12, 2005. If compliance is not achieved by that time, this issue will be reviewed by, and any required action will be taken by the City Attorney's Office.

Thank you for your prompt attention to this matter. Please call with any questions.

Sincerely,

Tom Kurtenbach
Ordinance Officer



EQUAL OPPORTUNITY EMPLOYER



Jason Green
City Attorney
300 6th St
Rapid City, SD



801 Holcomb Ave.
Rapid City, SD
June 27, 2005

Dear Sir;

Yesterday we were informed by Tom, Ordinance Officer for North Rapid, that someone complained regarding the fact that we have our 5th Wheel RV parked in the garden a 801 Holcomb Ave.

The person who complained was not a person living in this area. The folks around us are our friends and relatives, and were informed and knew that we were coming 'home' to visit. The person that complained was Allen Geske, our niece's husband, who lived in the house here until last winter, and who our niece, Christine Geske is in the process of divorcing. He caused lots of problems for us last summer, when we were parked here, off and on for a couple of months, and is causing lots of problems and has been harrassing our niece and her daughter now. He has court orders to stay away, but does not do this!

Just a little history. My husband and I are from this area. He went to high school in Rapid City and I graduated from New Underwood and attended college here. He joined the Navy in 1944 and spend 30 years, during three wars, before retiring and coming back here. The main reason we came home to Rapid City, was that my Mother had lost her home (and almost her life) during the big flood. She was living at 101 E. New York St. We were stationed in Thailand at the time. My husband was the Naval Advisor to the Royal Thai Navy. We helped her buy this home at 801 Holcomb Ave, and we purchased a home a couple of blocks away at 814 Blaine Ave.

My sister Betty Bonawitz and I had a business "Forever Yours Bridel Village' near by. When we sold it, my husband and I started traveling South for the winters in our RV. When my mother, Stella Bausch passed away in 1990, we sold the home here to our niece Christine. Six years ago, we sold our home on Blaine Ave, and received permission to put an RV hook up in the garden at Holcomb Ave. so we could come home for a couple of months in the summer.

We both get our yearly doctor checkups here during the summer. And for ten years we were Superintendents for the Photography Division at the Central States Fair. Last year we turned it over to someone else, but plan on spending a lot of time helping again this year.

We would appreciate it very much if you could help us with this situation. We know the rules regarding not living in an RV on your property. Does this apply also to visiting? Our children who live on the East Coast, and also on the West Coast are coming to Rapid tomorrow. They will be staying at the Holiday Inn for a few days. Then we will all be going to a family reunion in the Hills over the 4th of July. We have asked our children , grand children, and relatives around us, to join us for dinner tomorrow night here in "Grandma's Garden". We hope you will give us permission to do this.

We can stay at the Hart Ranch, but the driving back and forth is time consuming, especially at Fair time. Please let us know what we can or can not do.
Thank you very much.

Edward and Arlene Holcomb, 520 720 9329

Edward & Arlene Holcomb
PS: We have just been informed that Edward has been called to Jury Duty, the Month of August!!

801 Holcomb Ave
Rapid City, SD
July 7, 2005

Jason Green
City Attorney
300 6th St
Rapid City, SD

Dear Sir:

This is a followup to the letter we gave you on June 27, regarding our RV parked temporarily in "Grandma's Garden" at the above address. We were only parked here one day, June 27th, when Tom Kurtenbach informed us that he had received a complaint about us parking here. In my other letter we explained why and who complained.

We left on June 29th until yesterday, July 6th, when Christine gave us the letter from Tom Kurtenbach . We have a question. Is it not possible to have an exception to a Code, when there are special circumstances? Like when relatives are visiting relatives, and park in an empty area on their property?

As past members of the North Rapid Civic Association, we remember discussing problems like this. We were all against people renting trailers or RV's on personal properties. We don't remember anyone complaining about visitors.

.. We are proud to tell people we are from Rapid City. We still contribute here where ever possible, like helping at the Central States Fair. If we are unable to park here, we will no longer make appointments with our Doctors here, or help at the Fair. Instead, we will have to do all of our business in Benson, AZ where we have a home now. Our kids will have to visit us there, instead of coming 'home' where they attended some schools, after we retired.

How does one get out of Jury duty? Edward has been called during the month of August. After having served in the Navy for over 30 years, during 3 wars, he was proud to have been called.

My children and I stayed with family in Rapid City a number of times, while Edward was out to sea for 6 months at a time.

Sorry about going on and on. We have loved coming 'home' to Rapid City for a couple of months during the summer, but it would not be the same if we have to stay out of town.

Sincerely,

Edward and Arlene Holcomb

DEAR NEIGHBORS, RELATIVES, & FRIENDS LIVING
NEAR 801 HOLCOMB AVE

WE, EDWARD & ARLENE HOLCOMB, HAVE BEEN TOLD BY THE CITY,
THAT WE CAN NO LONGER PARK OUR RV IN THE VACANT GARDEN
AREA AT THIS ADDRESS. AS MOST OF YOU KNOW, THIS IS THE HOME
WE HELPED MY MOTHER PURCHASE, AFTER SHE LOST HER HOME
(AND ALMOST HER LIFE) IN THE BIG FLOOD. WE WERE STATIONED
IN THAILAND AT THAT TIME.

IN 1999, WE SOLD THIS PLACE TO OUR NIECE, CHRISTINE GESKE.

CHRISTINE'S HUSBAND ALLEN, (WHO SHE IS DIVORCING) COMPLAINED
TO THE ORDINANCE OFFICER THE DAY WE CAME BACK
TO RAPID CITY THEREFORE, THE CITY HAD TO INFORM US THAT WE
WERE IN VIOLATION OF A MUNICIPAL CODE AND THAT WE HAD TO
MOVE.

WE ARE GOING BEFORE THE CITY COUNCIL JULY 13TH, TO SEE IF WE
CAN CONTINUE TO STAY HERE, THROUGH AUGUST, SO WE CAN HELP
AT THE FAIR, AND EDWARD CAN DO JURY DUTY..

IF YOU HAVE NO PROBLEM WITH US PARKING HERE, PLEASE SIGN
BELOW. THANK YOU VERY MUCH.

Betty Bonawitz
Robert Bonawitz

Jack King 802 Halley

Carlene Edner 806 HALLEY

Shelby Wells 818 Halley

Don & Shelby Dick 820 Halley

Josie Wells 101 Van Buren

Jonathon Wells 101 VAN BUREN

Ray Robinson 825 Halley Ave

Jerry A. Gray 821 HALLEY AVE

Betty V. Wells 817 Halley Ave

Lucia Lewton 817 Halley Ave

Curt Anderson 810 Blaine Ave.

Calvin Van Orman 814 Blaine Ave

Robert Corwin 35 Van Bure

Kathy Corwin 35 Van Be

Trinity Cottier 814 Halley Ave

Donna D. D. 729 Ave

Robert & Elizabeth Schlotman
807 Holcomb Ave. PC

Jerri Grant 812 Blaine Ave
 Myrna Clough 802 Blaine Ave
 Helen Millslage 828 Blaine Ave
 Yogi Millslage 828 Blaine Ave
 Edwin Gibson 805 BLAINE AVE
 Linda McMahon 805 Blaine Ave
 Jy Miller 728 Blaine Ave

Patricia Kullhavy 803 Halley Avenue

Ed & Arlene are quality people who NEVER bother anybody when they come for a few weeks in the summer. Shame on the person who complained.

Christine Beske 801 Holcomb Ave

Melissa Gunderson

Leather Zunsford

Earl & Mathisen 737 Halley Ave

Jodie ~~Sob~~ 1008 Blaine Ave.

April D. Mahoney 722 Halley Ave

Art & Lu 719 Holcomb Ave

Tami Jechell 801 1/2 N Maple

Norma J. Shaw

Theresa Christensen 110 E Van Buren

Evaya John 870 Holcomb

Steve Munch 824 Blaine Ave RC # 5770

Doug Johnson 806 Blaine Ave.
 Watson Lewis 728 Halley av.

