

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
November 20, 2000

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, November 20, 2000 at 7:00 P.M.

Mayor Jim Shaw, Finance Officer James Preston, and the following Alderpersons were present: Alan Hanks, Tom Johnson, Babe Steinburg, Tom Murphy, Jerry Munson, Steve Rolinger, Ray Hadley, Ron Kroeger, Mel Dreyer and Rick Kriebel; the following arrived during the course of the meeting: None; and the following were absent: None.

Motion was made by Hadley, seconded by Hanks and carried to **approve the minutes** of November 6, 2000.

***Mayor's Items***

Mayor Shaw presented the following **Millennium All-star Awards** and commended the individuals for outstanding volunteer service to the community:

Past: Carl H. Leedy  
Present: Dr. Rubin Bareis  
Future – Erick Lee  
Past: (for September) Carl A. Hornburg

Kathy Robeson from the Rapid City Garden Club presented the City with a contribution in the amount of \$3,000. These funds are to be used for trees in Mt. View Cemetery.

Shaw noted that there were many people in attendance at the meeting to show support for **The Journey Museum**. This issue is not on the agenda. The question is being discussed and dialogue is continuing among the Task Force appointed to make a recommendation on this issue. Former Mayor Ed McLaughlin thanked the City for funding in the amount of \$45,000 to be used for expenses for the remainder of FY2000. An Open House was held at The Journey on November 19th and over 400 individuals toured the facility. McLaughlin asked when this item would be on the Council's agenda. Shaw indicated that the recommendations from the Task Force should be on the Legal & Finance Committee Agenda for November 29th. A recommendation from that meeting will be forwarded to the City Council at its meeting on December 4th.

Ron Kroeger indicated that the **Library Board Expansion Update** will be given on December 4th, 2000.

***Alcoholic Beverage License Applications***

This was the time set for hearing on the application of RGR, Inc. dba **Hara's**, Rushmore Mall, 2200 N. Maple Avenue, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Alta Lee, Inc. dba **Clock Tower Lounge**, 2525 W. Main Street, for an On-Sale Liquor License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Kurylas, Inc. dba **Imperial Inn**, 125 Main Street, for an On-Sale Liquor License Renewal. Motion was made by Johnson, seconded by Hadley and carried to continue this hearing until December 4, 2000.

This was the time set for hearing on the application of H&B, Inc. dba **Hall Inn**, 214 E. St. Joe Street, for an Off-Sale Liquor License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Sharlyne Houdek dba **Chevy's Lounge**, 640 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening. Motion was made by Johnson, seconded by Hadley and carried to continue this item until December 4, 2000.

This was the time set for hearing on the application of Wal-East Development, Inc. dba **Jackpot Casino**, 685 LaCrosse Street, for an On-Sale Liquor License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of **Arrowhead Country Club**, 3675 Sheridan Lake Road, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of The Retired Enlisted Association, **Chapter Home**, 1981 E. Centre Street, for an On-Sale Liquor License Renewal and Sunday Opening. Murphy stated that he would be abstaining from discussion or voting on this item. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of The Retired Enlisted Association dba **Northgate Bingo**, 905 E. North Street, for an On-Sale Wine License Renewal. Murphy stated that he would be abstaining from discussion or voting on this item. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Entertainment, Inc. dba **Robbinsdale Lounge**, 801 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Rapid City **Elks Club**, Lodge No. 1187, 3333 E. 39th Street, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Fat Boy's Inc. dba **Firehouse Brewing Company**, 610 Main Street, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Dan's Super Market, Inc. dba **Dan's Super Market**, 333 Third Street, for an Off-Sale Liquor License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Shannon Capital, Inc., dba **Corner Pantry – LaCrosse Street**, 2130 LaCrosse Street, for an Off-Sale Liquor License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of GMRI, Inc. dba **Red Lobster**, 120 Disk Drive, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Guan Huan Huang dba **Hunan Chinese Restaurant**, 1720 Mt. Rushmore Road, for an On-Sale Wine License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Margaret Jefferson dba **Oasis Lounge**, 711 Main Street, for an On-Sale Liquor License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Porter Apple Company, inc. dba **Applebee's Neighborhood Grill & Bar**, 2160 Haines Avenue, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Albertson's, Inc. dba **Albertson's Food Center**, 855 Omaha Street, for an Off-Sale Liquor License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Sports Saloon, Inc. dba **Murphy's Bar**, 510 Ninth Street, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Mills Drug, Inc. dba **Boyd's Liquor Mart**, 1424 Mt. Rushmore Road, for an Off-Sale Liquor License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of B&L, Inc. dba **Boyd's Liquor Mart**, 2001 W. Main Street, for an Off-Sale Liquor License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of B&L, Inc. dba **Boyd's Liquor Mart**, 909 E. St. Patrick street, for an Off-Sale Liquor License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Beshara Enterprises, Inc. dba **The Pirate's Table**, 3550 Sturgis Road, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

Upon motion made by Johnson, seconded by Hadley and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, December 4, 2000:

1. Shiba Investments, Inc. dba **Radisson Hotel**, 445 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
2. Rapid City Liquor, Inc. dba **Prairie Bottle Market**, 13 New York Street, for an Off-Sale Liquor License Renewal
3. Rapid City Liquor, Inc. dba **Family Thrift Liquor No. 273**, 1516 E. St. Patrick Street, for an Off-Sale Liquor License Renewal
4. Rapid City Liquor, Inc. dba **FTC Express No. 657**, 3460 Sturgis Road, for an Off-Sale Liquor License Renewal

5. Clayton & Donna Jerred dba **Gas N Snax**, 418 Knollwood Drive, for an Off-Sale Liquor License Renewal
6. Ashley Hospitality, Inc. dba **Uptown Bar & Grill**, 615 Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
7. Keith L. Fox dba **Rodeway Inn**, 2208 Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
8. Donald & Vera Nelson dba **Blue Lantern Lounge**, 1200 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
9. Faryat, Inc. dba **Botticelli's Ristorante Italia**, 523 Main Street, for an On-Sale Wine License Renewal
10. Faryat, Inc. dba **Botticelli's Ristorante Italia**, 523 Main Street, for an Off-Sale Liquor License (New License – No Video Lottery)
11. Great Wall, Inc. dba **Great Wall Chinese Restaurant**, 315 E. North Street, for an On-Sale Wine License Renewal
12. Great Wall, Inc. dba **Imperial Chinese Restaurant**, 702 E. North Street, for an On-Sale Wine License Renewal
13. Shotgun Willies, Inc. dba **shotgun Willies**, 2808 W. Main Street, for an On-Sale Wine License Renewal
14. Retsel, Inc. dba **Cheers/Ramada Inn**, 1721 N. LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening
15. Retsel Corp. dba **Ramada Inn (Package Store)**, 1721 N. LaCrosse Street, for an Off-Sale Liquor License Renewal
16. Kelly's Sports Lounge, Inc. dba **Kelly's Sports Lounge**, 825 Jackson Boulevard, for an On-Sale Liquor License Renewal and Sunday Opening
17. Sam's West, Inc. dba **Sam's Club**, 1020 LaCrosse Street, for an Off-Sale Liquor License Renewal
18. Merle Bach dba **The Hideaway**, 1575 N. LaCrosse Street, for an Off-Sale Liquor License Renewal
19. Loyal Order of **Moose**, 841 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
20. Outback Midwest II, LP dba **Outback Steakhouse**, 665 E. Disk Drive, for an On-Sale Liquor License Renewal and Sunday Opening
21. Robert Johnson dba **Canyon Lake Pub & Casino**, 4116 Jackson Boulevard, for an On-Sale Wine License Renewal
22. Phatty McGees, Inc. dba **Phatty McGees**, 321 Seventh Street, for an On-Sale Liquor License Renewal and Sunday Opening
23. Patricia Thompson dba **Boston Pizza Restaurant**, LaCrosse Street & Disk Drive, for an On-Sale Liquor License Renewal
24. Western Dakota Gaming, Inc. dba **Valley Sports Bar**, 1865 S. Valley Drive, for an On-Sale Liquor License Renewal and Sunday Opening
25. American Legion, **Post 22**, 818 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
26. Karen J. Schumacher dba **Brass Rail Lounge**, 624 St. Joseph Street, for an On-Sale Liquor License Renewal and Sunday Opening
27. Colonial House, Inc. dba **Colonial House**, 2501 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
28. WR Rapid City Ventures, LP dba **Oakleaf Beer Garden**, 2213 LaCrosse Street, for an On-Sale Wine License Renewal
29. WR Rapid City Ventures, LP dba **Minerva's Restaurant & Bar**, 2211 N. LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening
30. Loveletta M. Gibson dba **Lovey's Outer Limits**, 10140 Pierre Lane, for an On-Sale Wine License Renewal
31. Sooper Dooper Markets, Inc. dba **Sooper Dooper No. 1**, 913 E. St. Patrick Street, for an Off-Sale Liquor License Renewal
32. Casa Del Rey Rapid City, Inc. dba **Casa Del Rey**, 1902 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening

33. Fraternal Order of **Eagles**, Rapid City Aerie No. 3555, 1410 Centre Street, for an On-Sale Liquor License Renewal and Sunday Opening
34. Joe Crawford dba **Smokin Joe's No. 12**, 4302 South Highway 79, for an On-Sale Liquor License Renewal and Sunday Opening
35. Century Resources, Inc., 1221 Omaha Street, for an On-Sale Liquor License Transfer (from Remington's)
36. Andy Schneider dba **Canyon Lake Liquors**, 4244 Canyon Lake Drive, for an Off-Sale Liquor License Renewal
37. Mai T. Goodsell dba **Saigon Restaurant**, 221 E. North Street, for an On-Sale Wine License Renewal
38. Dan Trieu Ly dba **The Golden Fortune**, 1204 E. North Street, for an On-Sale Wine License Renewal
39. Safeway Stores 46, Inc. dba **Safeway Store No. 581**, 2120 Mt. Rushmore Road, for an Off-Sale Liquor License Renewal
40. Kongo, Inc. dba **Tobacco Warehouse**, 680B N. LaCrosse Street, for an Off-Sale Liquor License Renewal
41. Dos Ermonas dba **LaCosta Mexican Restaurant**, 603 Omaha Street, for an On-Sale Wine License Renewal
42. Meadowood Lounge, Inc. dba **Meadowood Lounge**, 3809 Sturgis Road, for an On-Sale Liquor License Renewal and Sunday Opening
43. Shooters, Inc. dba **Shooters**, 2504 W. Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
44. Moyle Petroleum Company dba **Common Cents**, 2808 Sheridan Lake Road, for an Off-Sale Liquor License Renewal
45. Rushmore Rentals, Inc. dba **Alex Johnson Hotel, Jefferson Bar**, 523 Sixth Street, for an On-Sale Liquor License Renewal and Sunday Opening
46. Hansen Investments, Inc. dba **Diamond Dave's Taco Company**, Rushmore Mall, 2200 N. Maple, for an On-Sale Liquor License Renewal and Sunday Opening
47. Harbry Enterprises, Inc. dba **Buck-N-Gator**, 4095 Sturgis Road, for an On-Sale Liquor License Renewal and Sunday Opening
48. Canyon Lake Club, LLC dba **Canyon Lake Chophouse**, 1240 Jackson Boulevard, for an On-Sale Liquor License Renewal and Sunday Opening
49. Steven C. Lester dba **Quality Inn**, 1902 N. LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening
50. S&Y, Inc. dba **The Golden Phoenix**, 2421 W. Main Street, for an On-Sale Wine License Renewal
51. Lucky Lady Casino, Inc. dba **The Boot Hill Saloon & Casino**, 826 Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
52. Mae Jean Adams dba **The Corn Exchange**, 727 Main Street, for an On-Sale Wine License Renewal
53. Rushmore Catering Company, Inc. dba **Rushmore Plaza Holiday Inn**, 505 N. Fifth Street, for an On-Sale Liquor License Renewal and Sunday Opening
54. Harold's Prime Rib, Inc. dba **Harold's Prime Rib**, 318-320 East Boulevard, for an On-Sale Liquor License Renewal and Sunday Opening
55. Hotel Management, Inc., dba **Hotel Alex Johnson**, 523 Sixth Street, for an On-Sale Liquor License Renewal and Sunday Opening
56. Hotel management, inc. dba **Hotel Alex Johnson**, 523 Sixth Street, for an Off-Sale Liquor License Renewal
57. Sydran Food Services III, LP dba **Chili's Grill & Bar**, 2125 N. Haines Avenue, for an On-Sale Liquor License Renewal and Sunday Opening
58. Karen Johnson Pochardt dba **Once Upon a Vine**, 507-513 Sixth Street, for an On-Sale Wine License Renewal
59. Karen Johnson Pochardt dba **Once Upon a Vine**, 507-513 Sixth Street, for an Off-Sale Liquor License Renewal

**CONSENT CALENDAR**

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

**Set for Hearing** (December 4, 2000)

27. No. 00PD055 - An application by Robert Pagan for a **Major Amendment to a Planned Residential Development to reduce the rear yard setback from 25 feet to 8 feet** on Lot 35R of Woodridge of Cathedral Heights located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of Flormann Street and Ponderosa Place.
28. No. 00PD056 - An application by Barbara Van Ekeren for a **Major Amendment to a Planned Commercial Development to reduce the rear yard setback** on Lot 2 of Lot A of Block 6 of Northern Heights Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Haines Avenue and Anamosa Street.
29. No. 00UR038 - An application by Jim Scull, Jr. for a **Use on review to allow a Church in the Office Commercial Zoning District** on Lot 13 Less Lot H-3, Block 1 of Owen Mann Tract located in the SE1/4 SE1/4 of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of 32nd Street and West Chicago.
30. No. 00UR039 - An application by Century Resources, Inc. for a **Use on Review to allow an On-Sale Liquor Establishment in conjunction with a full service restaurant** on property described by metes and bounds beginning at the southeast corner of Lot 2 of the Plaza Subdivision, located in the SW1/4 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, thence N 12° 16' 06" E 60.16 feet along the lot line, thence S 87° 44' 45" W 25.83 feet to the true point of beginning, thence S 87° 44' 45" W 34.64 feet, thence N 2° 15' 15" W 100.00 feet, thence N 87° 44' 45" E 59.00 feet, thence S 1° 33' 51" W 8.04 feet, thence S 12° 16' 06" W 95.01 feet returning to the true point of beginning, containing 4752.89 square feet, more or less, located at 1221 Omaha Street.

**Legal & Finance Committee Items**

31. No. LF111500-01 - Approve Travel Request for Tory Richardson to Attend FAA Safety Phasing Plan Conference in Bismarck, North Dakota, on October 27, 2000, in the Amount of \$1,504
32. No. LF111500-02 - Approve Travel Request for Ronald N. Estes to Attend Accreditation Meeting in Burlington, Vermont, from November 28-December 4, 2000, in the approximate amount of \$1,516
33. No. 00TP002FA - Authorize Mayor and Finance Officer to Sign Amendment No. 1 to Financial Agreement for U.S. 16 Corridor Study
34. No. 00TP004 - Authorize Mayor and Finance Officer to Sign Amendment No. 2 to Professional Service Agreement with Banner Associates, Inc. for the Mapping and Graphics Services for Future Land Use Planning for a Time Extension Only
35. Authorize the annexation planner as a full time position.
36. No. LF111500-03 - Authorize Mayor and Finance Officer to Sign Memorandum of Understanding with the South Dakota Department of Revenue, Division of Motor Vehicles, Regarding Nondisclosure of Personal Information
37. No. LF111500-04 - Authorize Mayor and Finance Officer to Sign Agreement with City of Spearfish to Provide Human Resource Assistance
38. Set December 27, 2000, as the date for the year end meeting
39. No. LF111500-06 - Approve the Following Abatements: David Milbrandt, 2000, \$31.44
40. CC112000-03 - Approve the following licenses: House Mover: Douglas "Butch" Davis; Metals and Gems: Silver Mountain Coins, Jack Meyer; Pawn Shop: First Stop Gun & Coin, Mark L. Blote; First Stop Pawn Shop, Mark L. Blote; Pawn-Derosa-Pawn, Carol Allison; Plumbing Apprentice: Gary D. Merritt; Plumbing Contractor: Jason Franke,

Day & Night Plumbing; Joseph P. Jackson, John E. Paulson; Residential Contractor: Advance Home Repair/Remodel, Donald E. Williams; D & D Contracting, Douglas Baird Hudson & Diane Baird Hudson; Ekco Development Company, Gary A. & Dorothy J. Rasmussen; Hunter Enterprises, Philip R. Hunter; Johnson Remodeling, Kenneth Johnson; Lage Development Co., Inc., Jennifer Lage Landguth, Jeff & Willard Lage; Donovan Lynch; Rick Oxner, Oxner Construction; Radke Const., Dennis Radke; Rushmore Companies, Inc., Gale Davis; Sanders Construction, Thomas N. Sanders; Schad Const. Inc., James A. Schad; Seco Construction, Inc., Neal A. Schlottman; T. O. Construction, Terry Oyler; Dale Tipton, Dale Tipton Enterprises; Second Hand: Jack First, Inc., Jack First; Plummer Piano & Organ, Daniel J. Senftner; Scheels Sports, Bill Nelson; Sign Contractor: Graphic House, Inc., H. Bren Hartiger & Kevin Fechhelm; Rosenbaum's Signs, Thomas J. Farrar; James L. Scull, Jr., Scull Construction Service, Inc.; Taxi Business: Airport Express Shuttle, Kathleen Walla Leui

41. Confirm Adam Altman as Assistant City Attorney
42. Approve the City sponsoring one weekend day of the Lakota Nation Invitational Basketball Tournament which will be held in Rapid City from December 13 through 16, 2000, in the sum of \$1,200, funding to come from the Council Contingency Fund

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

43. Reject all bids for Building Materials for the Rapid City Youth Boxing Facility and authorize staff to re-advertise for bids.
44. No. PW111500-01 – Approve Change Order No. 01 for SSW00-882, Corral Drive Water and Sanitary Sewer Extension Project to Mainline Contracting, Inc. for an increase of \$18,668.09.
45. No. PW111500-02 – Approve Change Order No. 01F for W00-885, Morningside Drive to Explorer Street Water Main reconstruction Project to Hills Materials Company for an increase of \$12,764.35.
46. No. PW111500-03 – Approve Change Order No. 01 for IDP00-984, Downtown Node Reconstruction Project to MAC Construction for a decrease of \$33,810.00.
47. No. PW111500-04 – RESOLUTION FIXING TIME AND PLACE FOR HEARING ON ASSESSMENT ROLL FOR FARLOW AVENUE WATER MAIN EXTENSION PROJECT W99-844

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

1. The assessment roll for Farlow Avenue Water Main Extension Project W99-844 was filed in the Finance Office on the 20th day of November, 2000. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, December 18, 2000 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.

2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time and place of hearing thereon, that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.

3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 20th day of November, 2000

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

48. No. PW111500-05 – RESOLUTION FIXING TIME AND PLACE FOR HEARING ON ASSESSMENT ROLL FOR SIDEWALK IMPROVEMENT PROJECT SWK00-925

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

1. The assessment roll for Sidewalk Improvement Project SWK00-925 was filed in the Finance Office on the 20th day of November, 2000. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, December 18, 2000 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.

2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time and place of hearing thereon, that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.

3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 20th day of November, 2000

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

49. No. PW111500-07 - Resolution Authorizing Application for Funding to Construct Certain Wastewater Improvements.
50. Authorize staff to proceed with the Design of East Anamosa between East North Street and LaCrosse and Mall Drive between LaCrosse and Visitor Information Center.
51. Direct staff to review the issue of signaling the intersection of West Chicago/South Canyon Road/44th Street, based on the outcome of the warrant investigation and the traffic flow, and submit a recommendation in 90 days.

End of Consent Calendar

### ***Public Hearing***

The Mayor announced that the meeting was open for consideration of the assessment roll for **Parkview Drive Construction Project ST95-560**. Notices were mailed to affected property owners on October 30, 2000 and published in the Rapid City Journal on November 13, 2000. Motion was made by Kroeger and seconded by Dreyer to approve the Resolution Levying Assessment. Gerald Miller and Doug Smith spoke against the assessment. This project was built in 1995, but the assessment process is being done in 2000. Some of the land involved with this project has been sold and the people who own it now were not notified of the



pending assessments. Public Works Dan Bjerke explained that the City did err in that the assessment was not done in a timely manner. However, before the project is done, all the property that will be involved in the project is identified and the property owners are notified. Meetings are held with the affected property owners and the method of assessment is identified as well as estimated costs for the project. If a majority of the property owners are in favor of the project, it proceeds and the improvement is built. Once it is constructed, the actual costs are assessed to the properties, which is the stage we are at now for this project. The persons who owned the property in 1995 were aware of this project and the fact that these costs would be assessed. Hanks stated that he feels the property owners should take up the issue of notification with the previous property owners. This information should have been disclosed when the properties were sold. **Substitute motion** was made by Kriebel and seconded by Rolinger to continue this public hearing until December 4, 2000. Gary Rasmusson of Walgar Development stated that he is very aware of this situation. He explained that the City approached his company regarding this project in 1994 because of the need for infrastructure to serve the Parkview Pool. Regarding disclosure, Rasmusson stated that his company fully agreed to, and was aware of, the assessment and they agreed to pay for the assessment. The problem is, no one has given them an assessment. He added that if City staff had given him a phone call on this issue, he would have taken care of the assessment and most of the property owners on the list would not have been involved. He explained that his company sold land to a builder who built the homes and then sold them to other individuals, so they are 2-3 parties away from the original transaction. Rasmusson stated that his company gave a warranty deed to the original buyer, so they are liable for this assessment and they are not disputing that. They are disputing, however, the method of assessment and the numbers on the assessment roll. Rasmusson added that if the City would file a document stating that an assessment is pending, that would ensure that the information would show up in a title search. Hanks called the question and there were no objections. Upon vote being taken, the motion to continue to December 4, 2000 carried unanimously.

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

Motion was made by Kroeger, seconded by Murphy and carried to approve the following items in accordance with the recommendations in the Council Agenda Packet:

53. No. 99PL120 - An application by Gary Renner for Larry Teuber for a **Preliminary and Final Plat** on Lots 1, 2, 3 and 4 of Block 4 of Spring Canyon Estates (formerly Lot 2B & Lot 1 of Block 1 of Spring Canyon Estates and the NE1/4 of the SW1/4) located in the SW1/4 of the NW1/4, the NW1/4 of the SW1/4 and in the NE1/4 of the SW1/4 of Section 5, T1S, R7E, BHM, Pennington County, South Dakota, located at the southern terminus of Clarkson Road. (CONTINUE TO DECEMBER 18, 2000)
54. No. 00PL015 - An application by Davis Engineering for G & R, Inc. for a **Final Plat** on Lots 14 thru 24, Block 6, Lots 9 thru 16, Block 8, and Lots 14 thru 16, Block 9 of Scenic Valley Subdivision formerly: SE1/4 of NE1/4 of Section 10, T1N, R8E, BHM less Scenic Valley Subdivision and ROW and the Balance of Tract A of Scenic Valley Subdivision all located in: SE1/4 NE1/4 and NE1/4 NE1/4 Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located on Reservoir Road approximately 1/4 mile south of Twilight Drive. (DENY WITHOUT PREJUDICE)
55. No. 00PL018 - An application by Alliance of Architects for Black Hills Habitat for Humanity for a **Preliminary and Final Plat** on Lots 3 thru 6 of Habitat Subdivision formerly Lots 1 thru 15, Lot 4 and a portion alley, Block 4, Schnasse Addition to the City of Rapid City located in the NW1/4 of the SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Herman Street and East Watertown Street. (CONTINUE TO DECEMBER 4, 2000)

56. No. 00PL053 – Approve the application by Fisk Engineering for a **Lot Split** located at the intersection of Steele Avenue and East Saint Joseph Street.

#### RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 1 of MDU Subdivision and Lot B Revised of Tract 32 of Rapid City Greenway Tracts, formerly all of Block 17 of Brennan and Sweeney's Addition and adjoining vacated right-of-way, including the S1/2 of Sacramento Street, the W1/2 of Brennan Avenue, the N1/2 of St. Joseph Street, the alley in Block 17, and a portion of Steele Avenue, and all of Lot B of Tract 32 of Rapid City Greenway Tracts, Less Lot H-1, all located in the E1/2 NW1/4 and NE1/4 SW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Lot 1 of MDU Subdivision and Lot B Revised of Tract 32 of Rapid City Greenway Tracts, formerly all of Block 17 of Brennan and Sweeney's Addition and adjoining vacated right-of-way, including the S1/2 of Sacramento Street, the W1/2 of Brennan Avenue, the N1/2 of St. Joseph Street, the alley in Block 17, and a portion of Steele Avenue, and all of Lot B of Tract 32 of Rapid City Greenway Tracts, Less Lot H-1, all located in the E1/2 NW1/4 and NE1/4 SW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer 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 20th day of November, 2000.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

57. No. 00PL055 - An application by Wyss Associates for B.E. Development for a **Final Plat** on Lots 1 through 11 of Block 1 and Lots 1 through 11 of Block 2 of Skyview North Subdivision and Lot 25R of Minnewasta Subdivision (formerly Lot 25 of Minnewasta Subdivision) located in the E1/2 of SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the east end of Harney Road. (CONTINUE TO DECEMBER 4, 2000)
58. No. 00PL066 - An application by Sandra Runde for Franklin Simpson for a **Final Plat** on Tract A of Fountain View Subdivision in the E1/2 NW1/4 SW1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of the existing terminus of Harmony Heights Lane. (CONTINUE TO DECEMBER 4, 2000)
59. No. 00PL076 - An application by Doug Sperlich for Gary Rasmusson for a **Final Plat** on Lots 25 and 26 of Block 23 and Lots 5 and 6 of Block 24 of Robbinsdale Addition No. 10 (formerly a portion of Tract A of Robbinsdale Addition No. 10 and a portion of the NE1/4 of the SE1/4 of Section 13) located in the NE1/4 of the SE1/4 of Section 13,

T1N, R7E, BHM, Rapid City, Pennington County, SD, located at the intersection of Maple Avenue and East Minnesota Street. (CONTINUE TO DECEMBER 4, 2000)

60. No. 00PL081 - An application by Dream Design for Legacy Land Development for a **Final Plat** on Lots 5 and 6, Block 2 and Lots 18 thru 24, Block 6 and Lot 2, Block 7 of The Meadows Subdivision, located in a portion of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of Field View Drive and Derby Lane. (CONTINUE TO DECEMBER 4, 2000)
62. No. 00PL087 - An application by Dream Design International for a **Preliminary and Final Plat** on Lot 1 of Shooting Star Subdivision, located in the unplatted portion of the SE1/4 SW1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southwest of Wildwood Subdivision and north of Rolling Thunder Trail. (CONTINUE TO DECEMBER 4, 2000)
63. No. 00PL089 – An application by Dream Design International for a **Preliminary and Final Plat** on Lots 4-8, Block 1 and Lots 10-17, Block 3, Lot 8, Block 4 and Lots 1-15, Block 5 and Lots 4-7, 18, Block 6 and Lots 1-7, Block 7 and Lot 1, Block 8, located in NE1/4 of SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located at the current western terminus of South Pitch Drive and Solitaire Drive. (CONTINUE TO DECEMBER 4, 2000)
64. No. 00PL094 - An application by City of Rapid City for a **Layout, Preliminary and Final Plat** on Lot 1 of the Valley East Addition (formerly S1/2 SW1/4 NE1/4 less Lot H2 & less ROW) all located in NE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of SD Highway 44 East (Rapid Valley). (CONTINUE TO DECEMBER 18, 2000)
65. No. 00PL097 - An application by Doug Sperlich for Gary Rasmusson for a **Preliminary and Final Plat** on Lots 15 and 16 of Block 28 of Robbinsdale Addition No. 10 located in the NE1/4 of the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Annamaria Drive and Alta Vista Drive. (CONTINUE TO DECEMBER 4, 2000)
67. No. 00PL107 – Approve the application by Windmere, LLC for a **Preliminary and Final Plat** located north of Weathervane Lane extending east and west between Meadow Lane and East 53rd Street:

#### RESOLUTION APPROVING PLAT

WHEREAS a Plat of Revised Park Lot and East 53rd Street ROW, Windmere Subdivision, formerly a portion of Park Lot Windmere Subdivision and a portion of the NE1/4 of the NE1/4 of Section 10, T1N, R8E, BHM, 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 Revised Park Lot and East 53rd Street ROW, Windmere Subdivision, formerly a portion of Park Lot Windmere Subdivision and a portion of the NE1/4 of the NE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, be, and the same is hereby approved and the City

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 20th day of November, 2000.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

68. No. 00PL108 - An application by Fisk Engineering for Sun-Rise Construction for a **Lot Split** on Lot 5 Revised of Sandstone Ridge Subdivision and Lot 26-R1 Revised of Fairway Hills PRD, formerly all of Lot 5 of Sandstone Ridge Subdivision and all of Lot 26-R1 of Fairways Hills PRD located in the SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Sheridan Lake Road and Holiday Lane. (CONTINUE TO DECEMBER 4, 2000)
69. No. 00PL109 - An application by Designworks, inc. for Suzanne Lien Gabrielson for a **Layout Plat** on Tract L of Gray's Subdivision located in the N1/2 of the NW1/4 of Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1161 City Springs Road. (ACKNOWLEDGE APPLICANT'S WITHDRAWAL)
70. No. 00PL110 - An application by Renner & Sperlich Engineering for Buescher Frankenberg Assoc. Inc. for a **Preliminary and Final Plat** on Lots A & B of Lot 5R of Meridian Subdivision (formerly Lot 4B and Lot 5R of Meridian Subdivision) located in the SW1/4 of the SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Anamosa Street and LaCrosse Street. (CONTINUE TO DECEMBER 4, 2000)
72. No. 00RD003 - A application by Leo Hamm Family Ranch and Harley Taylor for a **Resolution changing that portion of the road named Rolling Thunder Trail located within the city limits of Rapid City, the unnamed portion of the section line right-of-way, and the unnamed access easement to Shooting Star Trail** on the 66 foot access easement shown on Lot 2, Block 3 of the Plat of Wildwood Subdivision, including Lots 1 thru 5, Block 1 Lots 1 thru 4, 7 thru 17, 32 thru 42, Block 2, Lots 1 thru 5 and Lots 22 & 23, Block 3 located in W1/2 SE1/4 & portions of the E1/2 SE1/4 & E1/2 SW1/4 of Section 21, T1N, R7E, BHM, Pennington County, South Dakota and that portion of the section line highway lying between the SW1/4 SE1/4 Section 21 and the NW1/4 NE1/4 Section 28, T1N, R7E, BHM, Pennington County, South Dakota, located south and west of Wildwood Subdivision. (CONTINUE TO DECEMBER 4, 2000)

### End of Planning Consent Items

The Mayor presented No. 00PL086, an application by Dream Design International for a **Preliminary and Final Plat** located at the intersection of Deadwood Avenue and Plant Street. The following Resolution was introduced, read and Kroeger moved its adoption:

### RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 10A and 10B of Lot 10 of Tract E of Deadwood Avenue Tract, formerly all of Lot 10 of Tract E of Deadwood Avenue Tract, located in the NE1/4 NW1/4 of Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lots 10A and 10B of Lot 10 of Tract E of Deadwood Avenue Tract, formerly all of Lot 10 of Tract E of Deadwood Avenue Tract, located in the NE1/4 NW1/4 of Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 20th day of November, 2000.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

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

The Mayor presented No. 00PL105, an application by Fisk Engineering for Donna V. Spitzer for a **Preliminary and Final Plat** located east of the intersection of Greenwood Lane and Green Drive on the south side of Green Drive. Motion was made by Kroeger and seconded by Hanks to approve the following Resolution with the stipulation that the plat not be filed until the correction is made relative to the water line easement.

#### RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 13A and 13B of Lot 13 in Block 4 of Green Valley Estates, formerly all of Lot 13 in Block 4 of Green Valley Estates, located in the SE1/4 and S1/2 NE1/4 of Section 23, T1N, R8E, BHM, 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 13A and 13B of Lot 13 in Block 4 of Green Valley Estates, formerly all of Lot 13 in Block 4 of Green Valley Estates, located in the SE1/4 and S1/2 NE1/4 of Section 23, T1N, R8E, BHM, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer 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 20th day of November, 2000.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

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

The Mayor presented No. 00PL111, an application by Douglas Retzer for a **Layout Plat** on the S1/2, NW1/4, NE1/4, Section 15, T1S, R7E, BHM, Pennington County, South Dakota, located approximately 1.5 miles southwest of U.S. Highway 16 on Neck Yoke Road. Motion was made by Kroeger and seconded by Rolinger to approve the Layout Plat, with the following stipulations: Upon submittal of the Preliminary Plat, information on the proposed water supply shall be submitted for review and approval; 1) Upon submittal of the Preliminary Plat, engineering evaluation for an on-site wastewater system(s) shall be submitted for review and approval; 2) Upon submittal of the Preliminary Plat, a topographic survey by a licensed surveyor and grading plans shall be submitted for review and approval; 3) Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval; 4) Upon submittal of the Preliminary Plat, a complete drainage plan shall be submitted for review and approval; 5) Prior to City Council approval of the Preliminary Plat, drainage easement(s) shall be shown on the plat as required by the Engineering Division; 6) Upon submittal of the Preliminary Plat, the plat shall be revised to show an intermediate turnaround or a hammerhead turnaround on Perry Place; 7) Prior to Final Plat approval, Perry Place shall be constructed with a 45 foot wide public right-of-way and a 20 foot wide paved surface with curb and gutter, or a Subdivision Regulations Variance shall be obtained; 8) Prior to Final Plat approval by the City Council, a non-access easement shall be shown along Neck Yoke Road; 9) Prior to Final Plat approval by the City Council, the plat shall be revised dedicating an additional 17 feet of right-of-way along Neck Yoke Road; 10) A Special Exception shall be granted to allow a cul-de-sac in excess of 1,200 feet in length; 11) Prior to Final Plat approval by the City Council, the rezoning shall be effective; 12) Prior to Final Plat approval by the City Council, the plat shall be revised to include the signature of all the underlying property owners; 13) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted and all subdivision inspection fees paid; and, 14) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted.

The Mayor presented No. 00SV024, an application by Douglas Retzer for a **Variance to the Subdivision Regulations to waive the requirements for all street improvements including: paving, curb, gutter, sidewalk, street light conduit, and installation of sewer and water lines; and to allow the platting of 1/2 of Perry Place Road right-of-way** on the S1/2, NW1/4, NE1/4, Section 15, T1S, R7E, BHM, Pennington County, South Dakota, located approximately 1.5 miles southwest of U.S. Highway 16 on Neck Yoke Road. Motion was made by Kroeger and seconded by Rolinger to approve the Variance to the Subdivision Regulations to waive the requirements for curb, gutter, street light conduit, and installation of sewer and water lines; and to allow the platting of one half of the right-of-way for Perry Place Road; and deny the Variance to the Subdivision Regulations to waive the requirement for paving. Doug Retzer asked the Council to waive the requirement for paving because of the costs involved and the fact that a road maintenance agreement is being developed which would cover all the roads in this development. Perry Bicek stated that he is not opposed to paving the road, but he would like to do it after the homes in this area are built so that heavy equipment won't destroy the paving. This would happen in 3-5 years. Elkins stated that since this property is outside of the city limits, the city has no way to enforce a waiver of right to protest agreement. Hanks suggested that the property owner or developer consider providing surety for this improvement. Upon vote being taken, the motion carried unanimously.

The Mayor presented No. 99PL107, an application by Renner & Sperlich for Steve Lester for a **Final Plat** on Lots 1 & 2 of Lot K-4 (formerly the Balance of Lot K-4 less Lot H-1) of Marshall Heights Tract located in the NE1/4 of the SW1/4 of Section 30, T2N, R8E, BHM Rapid City, Pennington County, South Dakota, located at the intersection of Rapp Street and

LaCrosse Street. Motion was made by Kroeger, seconded by Dreyer and carried to deny this item without prejudice.

### ***Planning Department - Hearings***

The Mayor presented No. 00CA011, an application by Dream Design for Doyle Estes for a **Amendment to the Elk Vale Neighborhood Area Future Land Use Plan, which is an amendment to the Comprehensive Plan, to change the future land use designation on an approximate 3.04 acre parcel from Public with an alternate designation of General Commercial with a Planned Commercial Development to Low Density Residential** on the west 340 feet of the unplatted portion of the S1/2 of the N1/2 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located approximately 1000 feet north of Jolly Lane Road off Race Track Road. Motion was made by Kroeger, seconded by Hadley and carried to continue this item until December 4, 2000.

The Mayor presented No. 00CA013, an application by Centerline for 3 T's Land Development for an **Amendment to the South Robbinsdale Area Future Land Use Plan, which is an amendment to the Comprehensive Plan, to change the future land use designation on an approximate 2.04 acre parcel from Medium Density Residential to Low Density Residential** on the following property: Block 27 of Robbinsdale Addition No. 10 except for the following: Commencing from the northeast corner of Block 27 in Robbinsdale Addition No. 10 consisting of a 5/8" rebar with plastic cap marked "Renner & Sperlich 2652", thence S35°49'23"E – 334.39 feet along a non-tangent line to a point of curvature consisting of a 5/8" rebar with plastic cap marked Hanson RLS 6251", thence S27°03'46"E – 421.82 feet (chord bearing and distance) through a right hand curve with radius of 1345.32 feet and length of 423.56 feet to a 5/8" rebar with plastic cap marked "Hanson RLS 6251", thence S89°42'39"W 290 feet to an unmonumented corner, thence N32°50'53"W 582.65 feet to an unmonumented corner, thence N53°59'27"E 270 feet to the point of beginning. Said parcel containing 4.3165 acres more or less is located south and west of the intersection of Annamaria Street and 5th Street. Motion was made by Kroeger, seconded by Hadley and carried to approve the Amendment.

The Mayor presented No. 99PD039, an application by Robb Schlimgen for a **Planned Commercial Development Initial and Final Development Plan** on Lot 2 of Lot K-4 of Marshall Heights Tract located in SW1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of LaCrosse Street and Rapp Street. Motion was made by Kroeger, seconded by Hanks and carried to deny this item without prejudice.

The Mayor presented No. 00PD049, an application by Dream Design for Doyle Estes for a **Planned Development Designation** on the west 340 feet of the unplatted portion of the S1/2 of the N1/2 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located approximately 1000 feet north of Jolly Lane Road off Race Track Road. Motion was made by Kroeger, seconded by Hadley and carried to continue this item until December 4, 2000.

The Mayor presented No. 00PD050, an application by Barbara Van Ekeren for a **Major Amendment to a Planned Residential Development to reduce the front yard setback to zero feet** on Lot 2, Hillsvieview Condominiums, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located approximately 1/8 mile south of the intersection of Hillsvieview Drive and Raider Road. Motion was made by Kroeger, seconded by Hanks and carried to approve the requested Amendment, with the following stipulations: 1) Prior to issuance of a Building Permit, a topographic and grading plan shall be provided to ensure that the building location is feasible; 2) Prior to issuance of a Building Permit, the petitioner shall have paid the applicable Red Dale Drainage Basin fees; 3) Prior to issuance of a Certificate of Occupancy, the petitioner shall have installed a stop sign at the Hillsvieview Drive

intersection; 4) Prior to issuance of a building permit, the petitioner shall submit information regarding the proposed driveway grades, subject to Fire Department approval; 5) Building height cannot exceed three stories or thirty-five feet as defined by the Rapid City Zoning Ordinance; 6) The subject property may be used for either single-family or duplex uses; and, 7) Prior to issuance of a Certificate of Occupancy for the structure, all landscaping identified on the site plan shall be installed or the petitioner shall have posted financial surety with the City to cover the cost of the installation.

The Mayor presented No. 00PD051, an application by Sun-Rise Construction for Kenneth L. Kirkeby and Patrick R. Hall for a **Major Amendment to a Planned Residential Development to allow an eight unit condo complex** on Lot 12 of Block 3 of Tract BR of Mountain Springs Subdivision, Seciton 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the east side and at the dead end of City Springs Road in Kirkwood Meadows. Motion was made by Kroeger, seconded by Hadley and carried to continue this item until December 4, 2000.

The Mayor presented No. 00PD052, an application by Gary Barber Designs for Bill Durst for a **Major Amendment to a Planned Residential Development** to allow a garage in excess of 30% of the gross floor area of the dwelling unit on the following property: Commencing at the center of Section 14, T1N, R7E, BHM, thence N 0°01' 34" W, a distance of 210', thence N 19° 43' 43" E, a distance of 7.63' to the southwest corner of proposed Lot 18, the point of beginning; Thence First Course: N 19° 43' 43" E, a distance of 241.15 feet to the northwest corner of proposed Lot 18; Thence Second Course: S 85° 36' 55" E, a distance of 291.09, to the northeast corner of proposed Lot 18, which is a point on a non-tangent curve concave to the northeast, having a radius of 523.36 feet; Thence Third Course: Southeasterly along said curve, through an angle of 20° 13' 48", a distance of 184.79 feet to the beginning of a tangent curve concave to the northwest, having a radius of 30.00 feet; Thence Fourth Course: Southwesterly along said curve, through an angle of 39° 42' 55", a distance of 20.79 feet to the beginning of a tangent curve concave to the southeast, having a radius of 48 feet; Thence Fifth Course: Southwesterly along said curve, through an angle of 11° 18' 50", a distance of 9.48 feet to a non-tangent line which is the southeast corner of proposed Lot 18; Thence Sixth Course: S 73° 40' 56" W, a distance of 219.87 feet, to an angle point on the south lot line of proposed Lot 18; Thence Seventh Course: N 68° 21' 33" W, a distance of 187.84 feet to the point of beginning. Said parcel of land contains 2.000 acres, more or less. All located in the S1/2 of the NE ¼ of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southern terminus of Alta Vista Drive. Motion was made by Kroeger, seconded by Hanks and carried to approve the Major Amendment with the following stipulations: 1) Prior to issuance of a Building Permit, the applicant shall provide a geotechnical evaluation of the property; 2) Prior to issuance of a Building Permit, the applicant shall provide an engineered design for the proposed retaining walls of review and approval; or an alternate grading plan shall be submitted for review and approval; 3) Prior to issuance of a Building Permit, the applicant shall provide a site drainage plan for the site for review and approval; 4) The driveway shall meet all requirements of the Street Design Criteria Manual; 5) Address of the structure shall be in compliance with the Uniform Building Codes; 6) Prior to City Council approval, a landscape plan shall be submitted for review and approval identifying a landscape buffer along the south side of the property to screen the garage on the south side of the structure. All landscaping shall be located outside the sewer easement; 7) Prior to issuance of a Certificate of Completion for the residence, a minimum of the first fifty feet of the driveway shall be paved; 8) Prior to issuance of a building permit, the petitioner shall have filed a notice with the Pennington County Register of Deeds Office indicating that the garage will only be used for residential purposes; and, 9) That approval of this Use on Review shall expire if the use for which it was granted has ceased for a period of two years or more, or if the use as approved has not been completed within two years of the approval of the Use on Review.



The Mayor presented No. 00PD053, an application by Ron Baker for Baker Planned Communities for a **Planned Residential Development - Initial and Final Development Plan** on Parcel D of MJK Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of the intersection of East Minnesota Street and Odde Drive. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until December 4, 2000.

The Mayor presented No. 00PD054, an application by Ennis and Associates for Mike Tennyson, Pat Hall and Ken Kirkeby for a **Major Amendment to a Planned Residential Development to reduce the side yard setback from 30 feet to 15 feet** on the following property: Lot 5 of Sandstone Ridge Subdivision and a portion of Lot 26 R-1 of Fairway Hills PRD, located in the Southeast One-Quarter (SE1/4) of the Northwest One-Quarter (NW1/4) of Section Fifteen (15), T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat recorded in Book 23 of Plats on Page 187, more fully described as follows: Beginning at the northwest corner of said Lot 26 R-1, said corner being marked by a rebar with a 1019 cap, Thence, S 87°42'21" E, along the northerly property line of Lot 26 R-1, a distance of 166.92 feet to the northeasterly corner of Lot 26 R-1, said corner being marked by a rebar with a 1019 cap, Thence, S 74°13'13" W, a distance of 162.90 feet to a point on the westerly line of Lot 26 R-1, said corner being marked by a rebar with 2199 cap; Thence, N11°07'57"W, along the westerly line of Lot 26 R-1, a distance of 51.96 feet, to the point of beginning. Said tract of land contains 4,218 square feet more or less, located at the intersection of Sheridan Lake Road and Holiday Lane. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until December 4, 2000.

The Mayor presented No. 00SV023, an application by Fisk Engineering for Donna V. Spitzer for a **Variance to the Subdivision Regulations to waive the requirement for sidewalk, curb, gutter, street lights and dry sewer** on Lots 13A and 13B of Lot 13 in Block 4 of Green Valley Estates, formerly all of Lot 13 in Block 4 of Green Valley Estates, located in the SE1/4 and S1/2 NE1/4 of Section 23, T1N, R8E, BHM, Pennington County, South Dakota, located east of the intersection of Greenwood Lane and Green Drive on the south side of Green Drive. Motion was made by Kroeger, seconded by Hanks and carried to approve the requested Variance with the stipulation that a Waiver of Right to Protest Agreement regarding future assessed projects is entered into between the petitioner and the City prior to Final Plat approval by the City Council.

The Mayor presented No. 00UR025, an application by Sara and Blair Anhorn for a **Use on Review to allow a Child Care Center** on the south 156.52 feet of Lot C of the SW1/4 of the SE1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2710 North Haines Avenue. Motion was made by Kroeger, seconded by Hadley and carried to continue this item until December 4, 2000.

The Mayor presented No. 00UR033, an application by Jeff's Construction for Bob & Tina Mysliweic for a **Use on Review to allow a private residential garage and accessory structures in excess of 1,000 square feet** on Lot 23, Block 4 of Springbrook Acres, located in the SE1/4 of SW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2611 Mountain Meadow Road. Motion was made by Kroeger, seconded by Hadley and carried to approve the requested Use on Review with the following stipulations: 1) Prior to construction, the petitioner shall obtain a Building Permit; 2) Prior to building occupancy, the petitioner shall obtain a Certificate of Occupancy; 3) The maximum height of the garage shall be fifteen feet as defined by the Zoning Ordinance; 4) Prior to issuance of a building permit, the petitioner shall have filed the notice with the Pennington County Register of Deeds indicating that the garage will only be used for residential purposes; 5) No plumbing shall be permitted in the new garage; 6) Approval of this Use on Review shall expire if the use for which it was granted has ceased for a period of two years or more, or if the use as approved has not been completed within two years of approval of the Use on Review; 7) Prior to approval of this request by the Planning Commission, the

petitioner shall have identified the location of the existing on-site wastewater disposal system to ensure that no conflicts exist between the location of the garage and the septic system; 8) Upon issuance of the Building Permit, applicable Arrowhead Drainage Basin Fees shall be paid; and, 9) The first fifty feet of the driveway shall be paved.

The Mayor presented No. 00VR003, an application by Gikling Family Limited Partnership for a **Vacation of Right-of-Way** located at the intersection of Elm Avenue and E. Omaha Street. The following Resolution was introduced, read and Kroeger moved its adoption:

#### RESOLUTION OF VACATION

WHEREAS it appears that the public right of way located between and adjacent to the Undeveloped West Half (W½) of Elm Avenue adjoining Lot Thirty-two (32) in Block Five (5) of Simmons Addition, Rapid City, Pennington County, South Dakota, as originally shown on that certain plat recorded on February 2, 1979, in the Office of the Register of Deeds of Pennington County, South Dakota, is not needed for public purposes; and

WHEREAS the owner of said property desires said right of way to be vacated and released,

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that this right of way heretofore described, and as shown on Exhibit A attached hereto, be and the same is hereby vacated; and

BE IT FURTHER RESOLVED by the City of Rapid City that the Mayor and Finance Officer are hereby authorized to execute a release of said right of way.

Dated this 20th day of November, 2000.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

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

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

**Ordinance 3612** entitled An Ordinance Amending Section 8.08.070(D) and Section 8.08.240(B) of Chapter 8.08 of the Rapid City Municipal Code by Changing the Amount of Collection Fees for Residential Areas and the Disposal Fees to be Charged at the Rapid City Landfill, having passed the first reading on November 6, 2000, it was moved by Johnson and seconded by Munson that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rolinger, Munson, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3612 the second time.

The Mayor announced the meeting was open for hearing on **Ordinance 3613** (No. 00RZ040) an application by McMahon Investments, Inc. for a **Rezoning from General Agriculture District and Low Density Residential District to General Commercial District** on the following property: Commencing at the Center of Section 24, travel east 46 feet, thence turn South and travel 140 feet to the point of beginning. From the point of beginning, travel east 417.42 feet, thence South 430.97 feet, thence west 417.24 feet, thence north 430.97 feet to the Point of Beginning. All located in Section 24, T2N, R7E, BHM, Rapid City, Pennington

County, South Dakota containing 4.19 acres, more or less; and property described by metes and bounds commencing at the Center of Section 24, travel west 54 feet, thence turn south and travel 375 feet to the Point of Beginning. From the Point of Beginning, travel South 1588.50 feet, thence west 400 feet, thence north 1548.01 feet thence 272.76 feet at a bearing of N 81°56'08" E thence east 114.24 feet to the Point of Beginning. All located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota. Containing 14.45 Acres, more or less, located approximately 1/4 mile north of Mall Drive on Haines Avenue. Notice of hearing was published in the Rapid City Journal on October 21 and October 28, 2000. Ordinance 3613, having had the first reading on October 16, 2000, it was moved by Johnson and seconded by Munson that the title be read the second time. Upon vote being taken thereon, the following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rolinger, Munson, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3613 the second time.

The Mayor announced the meeting was open for hearing on **Ordinance 3615** (No. 00RZ042) an application by Walgar Development Corp. for a **Rezoning from Low Density Residential District to Low Density Residential II District** on the following property: A portion of Tract A of Robbinsdale Addition No. 10, and a portion of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the southeast corner of Lot 16 Revised of Block 23 of Robbinsdale Addition No. 10, common with the northerly edge of right-of-way for East Minnesota Street, and the Point of Beginning; Thence, first course: N24 39'00"W, along the easterly boundary of said Lot 16 Revised of Block 23, a distance of 113.92 feet; Thence, second course: N65 42'16"E, a distance of 119.46 feet; Thence, third course: N67 31'50"E, a distance of 60.09 feet; Thence, fourth course: N65 37'01"E, a distance of 124.03 feet, to a point on the southwesterly boundary of Lot 4 of Block 24 of Robbinsdale Addition No. 10; Thence, fifth course: S24 20'00"E, along the southwesterly boundary of said Lot 4 of Block 24, a distance of 106.08 feet, to the southwesterly corner of said Lot 4 of Block 24, common with the northerly edge of right-of-way for East Minnesota Street; Thence, sixth course: S64 33'00"W, along the northerly edge of right-of-way for said East Minnesota Street, a distance of 302.98 feet, to the southeast corner of said Lot 16 Revised of Block 23, and the Point of Beginning; Said Parcel contains 33,335 square feet or 0.765 acres more or less, located at the intersection of Minnesota Street and Maple Street. Motion was made by Johnson and seconded by Munson to continue this hearing until January 15, 2001. Dan Driscoll, Scott Stone and John Stone spoke against the proposed rezone of this property. They want the area to remain zoned for single family dwellings only. Driscoll added that almost everyone who owns property in this area is opposed to the zoning change and he requested that the Council deny the application. Substitute motion was made by Hadley and seconded by Murphy to deny the rezone. Johnson stated that the City should give the applicants an opportunity to work with the affected property owners on this issue. Upon vote being taken, the substitute motion failed with Hadley voting AYE. Upon vote being taken, the original motion to continue to January 15, 2001 carried unanimously.

The Mayor announced the meeting was open for hearing on **Ordinance 3617** (No. 00RZ044) an application by Dream Design for Doyle Estes for a **Rezoning from No Use District to Low Density Residential District** on the west 340 feet of the unplatted portion of the S1/2 of the N1/2 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located approximately 1000 feet north of Jolly Lane Road off Race Track Road. Motion was made by Johnson, seconded Munson and carried to continue this hearing until December 4, 2000.

**Ordinance 3618**, Supplemental Appropriation No. 9 for 2000, having passed the first reading on November 6, 2000, it was moved by Johnson and seconded by Munson that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rolinger, Munson, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor

declared the motion passed and Ordinance 3618 was declared duly passed upon its second reading.

**Ordinance 3619**, entitled An Ordinance Amending Title 6 of the Rapid City Municipal Code by Amending Title 6 Chapter 8 and Section 100 (relative to vicious animals), was introduced. Upon motion made by Johnson, seconded by Munson and carried, Ordinance 3619 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, December 18, 2000.

**Ordinance 3620**, an application by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the following property, was introduced: The N1/2, NW1/4 east of Sheridan Lake Road, Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Una Del Drive and Sheridan Lake Road. Upon motion made by Johnson, seconded by Munson and carried, Ordinance 3620 was placed upon its first reading, and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, December 18, 2000.

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

The following Resolution was introduced, read and Johnson moved its adoption:

#### **RESOLUTION TO ESTABLISH THE POSITION OF WEED AND SEED COORDINATOR**

WHEREAS, a job evaluation was conducted using the same methodology under which the City's existing compensation plan was developed;

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City to establish the position of Weed and Seed Coordinator at a salary range of \$23,763 to \$35,644/year on the non-union 15 step pay plan.

Dated this 20th day of November, 2000.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

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

The next item discussed by the Council was the Rapid City Infrastructure Development Partnership Fund Request – **Elm Avenue Extension**. Motion was made by Hanks and seconded by Dreyer to approve the IDPF Request for the Elm Avenue Extension Project. Finance Officer Preston and Planning Director Elkins submitted a recap of the estimated project costs and possible funding sources. After reviewing the options, it appears that there is funding available for both the Elm Street and Fifth Street projects. Johnson stated that he supports the Elm Street projects, however, he feels it is imperative that the Council identify funding for the Fifth Street Extension project. Elkins recommended that the Council approve the Elm Street Projects. Dreyer stated that he feels 2012 funds should be used for the 5th Street Extension Project. Hanks indicated that the 2012 Committee is proposing that \$1.9 million be included in the plan for infrastructure. This has not been officially approved by the City Council, but it is in the most recent spreadsheet. Munson stated that he feels the Canyon

Lake Bridge is another priority that should be considered for funding from the 2012 infrastructure line item. Engineer Hanai Shafai reminded the Council that once the property is developed and platted along these streets, funds will be repaid to the Infrastructure Development Partnership Fund. This money will then be available for other projects. Upon vote being taken, the motion carried with Johnson and Hadley voting no.

Motion was made by Johnson and seconded by Hanks to approve the Rapid City Infrastructure Development Partnership Fund Request – **15" Sanitary Sewer Service Extension** from Highway 79 to Fifth Street. Upon vote being taken, the motion carried unanimously.

Motion was made by Johnson, seconded by Munson and carried to authorize Mayor and Finance Officer to Sign Real Estate Exchange Agreement Disclosure Schedule with **Montana-Dakota Utilities** Company.

The next item discussed by the Council was funding for **Fifth Street Expansion Project**. Rolinger suggested that this project be funded using \$800,000 from the SAB28 Fund and the remainder from 2012. Munson stated that he would be more comfortable funding the entire City portion for this project from the 2012 Fund rather than taking it from several sources. Motion was made by Murphy, seconded by Rolinger and carried to continue this item until December 4, 2000 so that the 2012 Committee can review the Fifth Street Expansion issue. Upon vote being taken, the motion carried unanimously.

The following Resolution was introduced, read and Johnson moved its adoption:

RESOLUTION REVISING THE INFRASTRUCTURE  
DEVELOPMENT PARTNERSHIP FUND GUIDELINES

WHEREAS the City of Rapid City has resolved to guide and encourage new development in areas where public services can be provided in a cost efficient manner; and

WHEREAS the City of Rapid City has resolved to proactively ensure that adequate public facilities are available in advance of new development; and

WHEREAS the City of Rapid City has resolved to limit the potential impact of new development on existing residences and businesses by ensuring that street networks, storm drainage and sewer and water facilities are completed and in place; and

WHEREAS the City of Rapid City has resolved to encourage the provision of affordable housing opportunities; and

WHEREAS the City of Rapid City has resolved to ensure that adequate land is available within the City of Rapid City for commercial, residential and industrial uses;

WHEREAS on November 15, 1999 the City of Rapid City established the Infrastructure Development Partnership Fund and approved program guidelines:

NOW, THEREFORE, BE IT RESOLVED that the City of Rapid City does hereby revise the Infrastructure Development Partnership Fund program guidelines in accordance with the following provisions:

Program Guidelines:

1. The City will establish a loan fund with an allocation of \$5,000,000 borrowed from the Capital Improvement Program fund balance. All payments, including both interest and principal will be returned to the Capital Improvement Program fund balance.

2. The City will enter into contractual relationships with interested landowners and developers wishing to participate in the program. This is a strictly voluntary program.
3. The Partnership Fund may be used to fund public improvements only. The public improvements may include sewer and water system improvements, storm drainage improvements, street construction or street improvements and other public improvements. The fund may not be used to fund on-site improvements or private facilities. Eligible costs include capital construction, design fees and construction management costs. Design fees paid by the City prior to approval of an Infrastructure Development Partnership Fund loan may be reimbursed along with other project costs at the discretion of the City Council.
4. Program participants will dedicate all required right-of-ways and/or easements at no cost to the City or State.
5. Interest will be charged on all loans. The rate shall be one percent above the prime rate; however, the City Council may agree to phase in the accrual of interest to encourage development and use of the Infrastructure Development Partnership Fund.
6. Funds will be repaid to the City prior to City Council approval of the Final Plat of each phase; however, in all cases the funds will be repaid within a maximum of ten years of the substantial completion of the infrastructure construction project. On smaller projects, a shorter maximum payback period may be required.
7. The City will continue to be responsible for all over sizing costs.
8. The City shall construct all projects. All projects shall be constructed in accordance with all applicable City standards.
9. As part of the partnership agreement, guarantees or other surety shall be provided by the landowners to the City to insure the repayment of the loan.

#### Project Selection

Infrastructure Development Partnership Project Review Committee. The Mayor shall appoint a Review Committee to make recommendations on the prioritization of projects and to review potential projects. The Committee shall consist of the following members: Mayor; five City Council members; two Planning Commission members; the Public Works Director or his/her representative; the Finance Director or his/her representative and, the Planning Director or his/her representative.

A majority of the Project Review Committee members must concur for a project to be transmitted to the Planning Commission for a recommendation. Within thirty days of receiving an application, the Planning Commission shall forward a recommendation to the City Council on the proposed project for a final decision.

Application Requirements. An application for the use of Infrastructure Development Partnership Funds shall include the following information:

1. A detailed project description, including a list of public improvements that will be constructed and all easements and/or rights-of-way that will be dedicated as part of the project;
2. A detailed preliminary cost estimate prepared by a professional engineer;
3. A projected development schedule, including any proposed phasing of the project;

4. A statement regarding the private investments and contributions to the project; and,
5. Any other information that may be required by the Project Review Committee.

The Project Review Committee may waive any of the required information.

Evaluation Criteria.

The following criteria shall be used to evaluate and rank all proposed projects:

1. The need for completion of street networks, sewer and water system extensions or drainage facilities. A preference shall be given to projects involving the construction of arterial and collector streets, major drainage conveyances and detention facilities, as well as major transmission mains and interceptors;
2. The benefit to the City as a whole as well as the immediate neighborhoods;
3. The amount of land that will become available for development as a result of the infrastructure completion;
4. The anticipated time frame for completion of the infrastructure construction as well as estimated time frames for the build out of the development area;
5. The anticipated repayment time frames and guarantees;
6. The ability of the City to provide cost efficient services to the development area;
7. The consistency of the proposed development with adopted plans;
8. The relative cost of the proposed infrastructure as compared to the benefits;
9. The elimination of potential public health and safety risks; and,
10. The amount and/or percentage of total costs associated with the proposed developer contributions.

Dated this 20th day of November, 2000.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Hanks. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rolinger, Munson, Kroeger, Hadley and Dreyer; NO: Kriebel, whereupon said Resolution was declared duly passed and adopted.

***Public Works Committee Items***

Motion was made by Kroeger and seconded by Rolinger to reject all Proposals that were submitted for the Design Build of the **Rapid City Multi-Use Facility**. Loren Nansel with the GBA/Lund Design Build Team stated that his company scored the best among all proposals that were submitted for this project. He requested that the City consider accepting their proposal for three reasons: 1) it brings closure to the RFP process; 2) it does not obligate the City to spend any money, and 3) if by chance another group comes into the City wanting an

ice arena, this proposal will be available. City Attorney Tamara Pier stated that she feels awarding a contract for this project would put the City in a different position. If the contract is awarded, the City would be obligated to negotiate in good faith regarding compensation. Project Manager Rod Johnson stated that at two different times during this process the question of providing a stipend was asked and the answer on both occasions was that no stipend would be provided. Based on that, it would be more fair to compensate the "winning" proposal than it would be to pay a stipend to all groups submitting a proposal. Upon vote being taken, the motion to reject all proposals carried unanimously.

Motion was made by Kroeger, seconded by Hanks and carried to authorize the Mayor and Finance Officer to Sign a Right Of Way Agreement for the **Southeast Connector** on the Morris Property.

### **Bills**

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

Payroll Ending 11-04, Paid 11-09-00	485,232.18
Payroll Ending 11-04, Paid 11-09-00	3,451.69
Pioneer Bank, 11-09 taxes, Paid 11-09-00	124,853.74
Pioneer Bank, 11-09 taxes, Paid 11-09-00	258.44
First American Administrators, 11-09 claims, Paid 11-09-00	51,469.00
First American Administrators, 11-16 claims, Paid 11-17-00	37,252.71
US Postmaster, postage	1,400.00
Computer Bill List	<u>2,081,012.76</u>
Subtotal	\$2,784,930.52

Payroll Paid Ending 11-04, Paid 11-09-00	2,302.85
Pioneer Bank, 11-09 taxes, Paid 11-09-00	166.49
City of Rapid City, health insurance	691.62
City of Rapid City, postage	5.62
RSVP Petty Cash, ledgers	9.00
Condrey & Associates, wage study	84.00
IKON Office Solutions, copier usage	6.61
IOS Capital, copier lease	8.84
SD Retirement System, pension	193.90
Standard Life, insurance	<u>7.12</u>
Total	\$2,788,406.57

### **Treasurers Checks**

Hills Materials	2,870.80
Mainline Contracting	<u>18,668.09</u>
Total	\$2,809,945.46

### **City Attorney**

Pier submitted a Development Agreement between the City and Wal-Mart for their expansion project. It was the consensus of the Council that this item should be put on the agenda for a future meeting. Planning Director Elkins requested that the Council call a special council meeting on Wednesday, November 29th to consider these agreements. Motion was made by Munson, seconded by Johnson and carried to have a special council meeting on November 29th at 1:15 P.M. to consider the Wal-Mart Development agreements.



As there was no further business to come before the Council at this time, the meeting adjourned at 10:05 P.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

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

(SEAL)