

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
October 1, 2001

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, October 1, 2001 at 7:00 P.M.

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

Motion was made by Hanks, seconded by Dreyer and carried to approve the minutes of September 17, 2001.

***Bid Openings***

The following bids for **38th Street Sanitary Sewer Extension Project** SSW01-1080 were opened on September 27, 2001:

1)	Mainline Contracting (bond submitted)	\$114,081.00
2)	Hills Materials Company (bond submitted)	\$135,350.00
3)	Rapid Construction Company (bond submitted)	\$136,739.00

Staff has reviewed these bids and recommends award to Mainline Contracting. Motion was made by Steinburg, seconded by Rodriguez and carried to award the bid for SSW01-1080 to Mainline Contracting, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$114,081.

The following bids for **Highway 16/Promise Drive Street and Utility Construction Project** No. ST01-871 were opened on September 27, 2001:

1)	Hills Materials Company (bond submitted)	\$491,300.45
2)	Heavy Constructors (bond submitted)	\$459,667.40
3)	Quinn Construction (bond submitted)	\$463,893.95
4)	Lind Exco, Inc. (bond submitted)	\$538,130.12
5)	RCS Construction (bond submitted)	\$450,802.65
6)	Mainline Contracting (bond submitted)	\$467,344.50
7)	Simon Contractors of SD (bond submitted)	\$527,139.40

Motion was made by Hanks, seconded by Waugh and carried to refer these bids to the Public Works Committee for review and recommendation.

The following bids for **Two New Current Model Year Compact Skid Steer Loaders** for the Street Division were opened at 2:00:

1)	RDO Equipment (bond submitted)	
	Base Bid	\$54,596.96
	Base Bid With Trade-In	\$43,971.96
	Alt. A (Trailer)	\$4,412.47
2)	Butler Machinery Company (bond submitted)	
	Base Bid	\$56,000.00
	Base Bid With Trade-In	\$41,100.00
	Alt. A (Trailer)	\$ 3,850.00

3)	Jenner Equipment Company (check submitted)	
	Base Bid	\$44,570.00
	Base Bid With Trade-In	\$26,486.00
	Alt. A (Trailer)	\$ 4,050.00
4)	Bierschbach Equipment (check submitted)	
	Base Bid	\$50,400.00
	Base Bid With Trade-In	No Bid
	Alt. A (Trailer)	\$ 2,855.00
5)	Sheehan Mack Sales (check submitted)	
	Alt. A (Trailer)	\$ 2,960.00
6)	Jack's Truck & Equipment (bond submitted)	
	Alt. A (Trailer)	\$2,403.34

Motion was made by Hanks, seconded by Waugh and carried to refer these bids to the Public Works Committee for review and recommendation.

Preston reported that no bids were received for the **Surplus Golf Course Equipment**. Motion was made by Hanks, seconded by Steinburg and carried to acknowledge that no bids were received and authorize staff to negotiate the best prices and bring the information back to the City Council for action.

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

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

Becky Ebol announced that four benches and two trash receptacles are being donated to the City from the Cameron Ebol Foundation. It was noted that the benches and trash receptacles will be placed at the City's skateboard park when the project is completed.

John Capello from Ellsworth Air Force Base and Drew Lerdall from Steven's High School gave the council an overview of the Black Hills Alliance for Youth Program which is being started in the community.

### ***Special Items & Items from Visitors***

The next item before the Council was No. CC100101-02, an appeal by Mike Derby from the **Sign Code Board of Appeals** No. 2001-11. Asst. City Attorney Adam Altman reported that Mr. Derby has requested that this item be continued to the next meeting. Motion was made by Hanks, seconded by Rodriguez and carried to continue this item until October 15, 2001.

The next item on the agenda was an appeal by Shawn Tobin of the Police Chief's denial of his **Security License Application**. Tobin was not present. Preston noted that he told Mr. Tobin this item might come up later in the meeting. Motion was made by Hanks, seconded by Dreyer and carried to continue this item until later in the meeting.

City Attorney Tamara Pier submitted No. CC100101-04, an Addendum to an Agreement for Gary Rasmusson and Pat Tlustos and recommended approval. Motion was made by Hanks, seconded by Murphy and carried to authorize the Mayor and Finance Officer to sign the agreement.

Kelly Farrar from Rosenbaum's Signs appeared before the Council to appeal the decision of the Sign Code Board of Appeals relative to a pole sign application. He stated that he did not feel the Board of Appeals followed the rules outlined in the City's code. Farrar submitted pictures of the sign and the proposed location and noted that they are asking that the sign be allowed above the 45' maximum elevation. This would allow the sign to be visible from Interstate 190. Dreyer and Johnson stated that they would like additional time to review this issue. Motion was made by Johnson and seconded by Steinburg to refer this to the Legal & Finance Committee for review and recommendation. Johnson stated that he feels the people who live in this area should be notified of this meeting. Farrar stated that they did notify adjacent property owners of the hearing before the Sign Board, but no oral or written comments were submitted.

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

Upon motion made by Hadley, seconded by Steinburg and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, October 15, 2001:

7. L&K, LLC dba **Mustang Grill Restaurant**, 710 St. Joe Street, for an On-Sale Wine License (New License – No Video Lottery)
8. L&K, LLC dba **Mustang Grill Restaurant**, 710 St. Joe Street, for an On-Off Sale Malt Beverage License (New License – No Video Lottery)
9. Wine Cellar 507 Partnership dba **Wine Cellar 507**, 507-513 Sixth Street, for an On-Sale Wine License Transfer (from Karen Johnson Pochardt)
10. Wine Cellar 507 Partnership dba **Wine Cellar 507**, 507-513 Sixth Street, for an Off-Sale Liquor License Transfer (from Karen Johnson Pochardt)
11. Wine Cellar 507 Partnership dba **Wine Cellar 507**, 507-513 Sixth Street, for an On-Off Sale Malt Beverage License Transfer (from Karen Johnson Pochardt)

Police Chief Craig Tieszen requested that the Council set a public hearing for discussion of the On-Sale Liquor license held by John Ashley at the Uptown Grill on Main Street, said hearing to be held on Monday, November 5, 2001. Information will be submitted at this meeting that may cause revocation of this license. Motion was made by Steinburg, seconded by Waugh and carried to set the hearing as requested by Chief Tieszen.

### ***Consent Calendar***

The following items were removed from the Consent Calendar:

31. LF092601-04 - Approve elimination of the option allowing Council members, the golf professional, and their dependents to elect coverage under the City health insurance program.
35. LF092601-10 - Approve Resolution to Amend the City of Rapid City Healthcare Benefit Plan.
38. LF092601-09 - Approve Resolution Placing Certain Restrictions on the Expansion and Continued Use of the Akers Lift Station.

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

### ***Set for Hearing*** (October 15, 2001)

11. No. 01PD049 - A request by Thurston Design Group for Regional Senior Care for a **Major Amendment to a Planned Residential Development to increase the density and allow a nursing home** on Lot B of Fairelm Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 417 East Fairlane Drive.

12. No. 01PD050 - A request by Ozark Civil Engineering for Lowe's Companies Inc. for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 1 and 2 of Lowe's Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Haines Avenue and Mall Drive.
13. No. 01PD051 - A request by Olsen Development Co., Inc. for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 5, Overlook Subdivision, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1825 Clark Street.
14. No. 01UR051 - A request by Don Steveson for Kevin Galik for a **Use On Review to allow a communications tower in the General Commercial Zoning District** on Lots 4 and 5 of the subdivision of the south portion of Lot 3 in the SW1/4 of the NW1/4 of Section 9, T1N, R7E of the BHM, Rapid City, Pennington County, South Dakota as shown in Deed Book 95, Page 125, located at 4118 Jackson Boulevard.
15. No. 01UR052 - A request by Don Steveson for Kevin Galik for a **Use On Review to allow a communications tower in the General Commercial Zoning District** on the N1/2 of Lot 4 and all of Lots 5 and 6 of Lot A of the SE1/4 SE1/4 of Section 6, T1N, R8E, BHM, and the east 44 feet of Lots 5, 6, 7 and 8 in Block 1 of Radio Towers Subdivision; together with that part of the alley vacated by a resolution recorded September 14, 1962, in Book 80 of misc. records on Page 442, which adjoins Lots 5, 6, 7 and 8 in Block 1, Radio Towers Subdivision all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1711 Cambell Street.
16. No. 01UR053 - A request by M & K Consulting for Western Wireless Corp. for a **Use On Review to allow a communication tower in the Light Industrial Zoning District** on Lot 1, MDU Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 710 Steele Avenue.

***Public Works Committee Items***

17. No. PW092601-01 – Approve Change Order No. 01 for SSW00-943, Wildwood Drive Street and Utilities Construction Project to Hills Materials Company for a decrease of \$55,872.70.
18. No. PW092601-02 – Approve Change Order No. 01F for PR01-1125, Star of the West Parking Lot Project to Simon Contractors of South Dakota for a decrease of \$3,298.61.
19. No. PW091201-08 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with Iris Associates for Utility Rate Engineering Services for an amount not to exceed \$8,000.
20. No. PW092601-03 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with FMG, Inc. to Prepare Site Grading Plan for W98-760, Carriage Hills Booster (Catron Blvd. Booster) for an amount not to exceed \$1,530.
21. No. PW092601-04 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with The Alliance of Architects & Engineers to Design ST01-1027, Anaconda & Grandview Street and Utility Reconstruction Project for an amount not to exceed \$61,700.
22. No. PW092601-05 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with FMG, Inc. to Design ST02-1030, Park Drive Reconstruction, Jackson Blvd. To S. Glenwood Drive Project for an amount not to exceed \$61,000.
23. No. PW092601-06 – Approve an Initial Resolution Setting Time and Place for Hearing on November 5, 2001 for ST01-1122, Block 23 Alley Paving Project (Boulevard Addition).

INITIAL RESOLUTION FOR  
BLOCK 23 ALLEY PAVING (BOULEVARD ADDITION) PROJECT ST01-1122

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

1. This Council deems it necessary to improve by paving approximately 465 linear feet of alley located in Block 23 of the Boulevard Addition, as described in the proposed Resolution of Necessity for Block 23 Alley Paving (Boulevard Addition) Project ST01-1122 which is on file with the Finance Officer. Payment for the costs of such improvements will be made by levying assessments against the benefiting properties. Sixty percent (60%) of the assessed costs will be assessed to the benefiting properties on and "equal benefit" and the remaining forty percent will be paid from the Out of the Dust fund.
2. This Council will meet at the City/School Administration Center in the City of Rapid City, South Dakota, on Monday the 5th day of November, 2001 at 7:00 P.M. for the purpose of considering any objections to such proposed Resolution of Necessity. The Finance Officer is directed to give notice of such meeting by publishing the time and place of such meeting once each week for two successive weeks in the official newspaper of the City.

Dated this 1st day of October, 2001.

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

THE CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

24. No. PW092601-07 – Approve Resolution Setting Time and Place for Hearing on November 5, 2001 for an Assessment Roll for ST00-993, Block 5 Alley Paving Project (Schnasse Addition).

RESOLUTION FIXING TIME AND PLACE FOR HEARING  
ON ASSESSMENT ROLL FOR  
BLOCK 5 ALLEY PAVING (SCHNASSE ADDITION) PROJECT ST00-993

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

1. The assessment roll for Block 5 Alley Paving (Schnasse Addition) Project No. ST00-993 was filed in the Finance Office on the 1st day of October, 2001. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, November 5, 2001 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 1st day of October, 2001

CITY OF RAPID CITY

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

s/ Jerry Munson, Mayor

- 25. No. PW092601-09 – Direct staff to revise the Policy on Exceptions to Residential City-Conducted Water Line Repair date April 1, 1991 to reimburse at 100% the expenses incurred for the replacement of polybutelene service lines.
- 26. No. 01VE004 – Approve with stipulations a Vacation of Drainage Easement for petitioner City of Rapid City, located at 120 North LaCrosse Street.

RESOLUTION OF VACATION OF DRAINAGE EASEMENT

WHEREAS it appears that a portion of the drainage easement located on Lot A of Feigels West Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota is not needed for public purposes; and

WHEREAS the owner of said property desires said portion of the drainage easement to be vacated and released

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

BE IT FURTHER RESOLVED that the Mayor and Finance Officer are hereby authorized to execute a release of easement in regard thereto.

Dated this 1st day of October, 2001.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

**Legal & Finance Committee**

- 27. LF092601-01 - Authorize staff to proceed with the annexation proposal for the Deadwood Avenue area.
- 28. Authorize Staff to Advertise for Bids for Bus Benches and Bus Bench Advertising.
- 29. LF091201-06 – Accept the original payment of \$65,000 as payment in full for the CDBG deferred assessment for Frank Simpson.
- 30. LF092601-03 - Approve Resolution Fixing Time and Place for Hearing on Assessment Roll for Property Cleanup.

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON ASSESSMENT ROLL FOR PROPERTY CLEANUP

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

- 1. The assessment roll for Property Cleanup was filed in the Finance Office on the 1st day of October, 2001. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, November 5,

2001 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 1st day of October, 2001

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

THE CITY COUNCIL  
s/ Jerry Munson, Mayor

- 32. LF092601-05 - Approve Resolution Declaring Property Surplus.

RESOLUTION DECLARING PROPERTY SURPLUS

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

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

Street Department  
GE Mobile Radio, Inv. No. 9643  
1994 853H Bobcat, SN 512812061  
Loader Bobcat 843, SN 503730936

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 1st day of October, 2001.

ATTEST:

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

s/ James F. Preston  
Finance Officer  
(SEAL)

- 33. Approve use of personal aircraft for Alan Hanks and Bill Waugh to attend the Ports to Plains Trade Corridor Summit in Lubbock, Texas, on October 25 & 26, 2001.
- 34. Set Special Council meeting for December 27, 2001, to approve end of year bills and other financial actions.
- 36. LF092601-06 - Authorize Mayor and Finance Officer to Sign Agreement between City of Rapid City and Rapid City Area School District #51-4.

37. LF092601-07 - Approve Bike Path Easement with Rapid City Area School District No. 51-4.
39. LF092601-08 - Approve the Following Abatement: Travis McDonnell, 1999, \$262.42.
40. Approve the Following Licenses: Electrical Apprentice: Steven C. Anderson, Christopher Franzen, Delbert P. Knowlen, Danny Trotter; Mechanical Apprentice: Ezra Ahrendt, Brian Boock, Dennis Brown, Jerry Bryant, Todd Chase, Jerry Cihak, Tim Hillestad, Duane Hveem, Jay Allen Jeffery, Dan Michael, John Shook, Chuck Short, John Shorter, Len Snaveley; Mechanical Installer: Dale Crump; Plumber: Estes Rothenberger; Residential Contractor: Reishus Construction, William A. Reishus & John H. Reishus; Two by Four Builders, Vince Geditz, Kevin Clementson ; Trenching Contractor: Shane O'Brien, SHO Construction, Inc.; Robert Munyan, Munyan Excavating LLC; Trenching Journeyman: Elmer Petersen.

#### End of Consent Calendar

The next item before the Council was No. LF092601-04 relative to the City's health insurance program. Motion was made by Kroeger and seconded by Rodriguez to approve elimination of the option allowing Council members, the golf professional, and their dependents to elect coverage under the **City health insurance program**. Johnson spoke against the motion noting that currently no Council members have chosen to take the coverage, but they should have the opportunity. The last time there were Council members on the plan was in the early 1990s. Preston stated that the City's Health Insurance Committee is always looking for the best ways to keep this self-insured fund fiscally strong. Kriebel spoke in favor of this action noting that adverse selection should not be allowed. Currently, city employees do not have a choice about being covered by this plan. Roll call vote was taken: AYE: Murphy, Rodriguez, Hanks, Kroeger, Steinburg and Kriebel; NO: Johnson, Hadley Dreyer and Waugh. Motion carried, 6-4.

The next item before the Council was No. LF092601-10. Motion was made by Hanks, seconded by Dreyer and carried to approve the Resolution to Amend the City of Rapid City Healthcare Benefit Plan.

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

#### A RESOLUTION PLACING CERTAIN RESTRICTIONS ON THE EXPANSION AND CONTINUED USE OF THE AKERS LIFT STATION

WHEREAS, the City has allowed the construction and placement in service of a wastewater lift station located at Lot C of Lot L-2 less Lot H-1; W1/2 vacated March Ave. adjacent to Lot C of Lot H-1, in the City of Rapid City, and more commonly known as the "Akers Lift Station;" and

WHEREAS, the Akers Lift Station serves properties located within the natural wastewater collection boundaries for the Northeast Area Basin, which is defined by the natural basin boundaries that delineate a gravity sewer collection system that would convey wastewater to the City Visitor Center Lift Station along Elk Vale Road; and,

WHEREAS, the Akers Lift Station discharges into the Knollwood/Racine basin.

WHEREAS, the City currently allows the Akers lift station to use up to one-third of the capacity of the Knollwood/Racine wastewater system; and

WHEREAS, there is presently no gravity sewer available to serve the properties in the Northeast Area Basin; and



WHEREAS, the City wishes to encourage development in the vicinity of the Northeast Area Basin while at the same time preserving and protecting the integrity of its wastewater system; and

WHEREAS, allowing expanded use of the Akers Lift Station compromises the integrity of the wastewater system in the Knollwood/Racine Basin; and

WHEREAS, the City intends to construct a gravity sewer which will serve the needs of the properties located in the Northeast Area Basin, including those using the Akers Lift Station; and

WHEREAS, upon completion of the gravity sewer, the Akers Lift Station shall be eliminated and all properties currently using the Akers Lift Station shall be required to connect to the gravity sewer; and

WHEREAS, allowing additional connections to the Akers Lift Station may increase the difficulty of requiring connection to the gravity sewer when it becomes available.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Common Council that no additional users may connect to the City's wastewater system through the Akers Lift Station unless they meet the following conditions prior to the issuance of a building permit or a footing and foundation permit:

- 1) The property owner requesting the permit signs a "Waiver of Right to Protest" (WORP) assessed sewer collection projects.
- 2) The property owner requesting the permit agrees to abandon the Akers Lift Station facilities and connect the lift station collection system to the proposed Northeast Area Gravity Sewer Collection System within six months of the following: The Northeast Area Gravity Sewer Collection System is within 500' of the lift station; or, is within 500' of any parcel that uses the Akers Lift Station.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Akers Lift Station shall cease to be used six months after such time as the Northeast Area Gravity Sewer Collection System is within 500' of the lift station; or, is within 500' of every parcel that uses the Akers Lift Station.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the technical criteria found in the Engineering Memorandum dated September 21, 2001, shall control the modification and use of the Akers lift station until the Akers lift station ceases to be used.

Dated this 1st day of October, 2001.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

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

**Public Hearing**

This was the time set for a public hearing on the request by **Western Wireless Corporation** to enter into a lease of property. Motion was made by Hadley and seconded by Steinburg to

approve the request. Planning Director Marcia Elkins explained that the use on review application has been continued to October 15th. Substitute motion was made by Johnson, seconded by Hadley and carried to continue this public hearing until October 15, 2001.

**Planning Department Consent Items**

- 42. No. 00PL127 - A request by Dream Design, Inc. for Doyle Estes for a **Preliminary & Final Plat** on Tract B of Neff's Subdivision No. 4 located in the unplatted portion of the S1/2 NW1/4 SW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Race Track Road and Elk Vale Road. (CONTINUE TO OCTOBER 15, 2001)
- 43. No. 01PL009 - A request by James Letner for a **Final Plat** on Lots 1 and 2 and dedicated ROW of Debra Subdivision, (formerly Lots B & C of Lot 2 of OutLot 2 of the SE1/4 of the SW1/4 of Section 4, T1N, R7E, BHM and a portion of Debra Drive ROW) located in the SE1/4 of the SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Clifton Street and Debra Drive. (CONTINUE TO OCTOBER 15, 2001)
- 44. No. 01PL033 – Approve the request by Renner & Sperlich Engineering for Gustafson Builders for a **Final Plat**, located one quarter mile south of South Highway 16 and Catron Boulevard.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 2' and Addison Avenue, Jordan Drive, Physician Drive, a Major Drainage Easement, and a Utility Easement of Lot 1; Old Rodeo Subdivision (formerly a portion of Lot 1 of Old Rodeo Subdivision) located in the NW1/4 of the SW1/4 and in the NE1/4 of the SW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lot 2' and Addison Avenue, Jordan Drive, Physician Drive, a Major Drainage Easement, and a Utility Easement of Lot 1; Old Rodeo Subdivision (formerly a portion of Lot 1 of Old Rodeo Subdivision) located in the NW1/4 of the SW1/4 and in the NE1/4 of the SW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 1st day of October, 2001.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 45. No. 01PL052 - A request by Ron & MaryAnn Davis for a **Preliminary Plat** on Lots 1 thru 18 of Buffalo Ridge Subdivision formerly: unplatted all located in NW1/4 NW1/4 of

Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Reservoir Road and Uranus Street. (CONTINUE TO OCTOBER 15, 2001)

46. No. 01PL054 - A request by Dream Design, Inc. for Big Sky LLC for a **Final Plat** on Lots 1 and 2 of Block 13; Lots 2-5 of Block 14, and Dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 and NE1/4 NW/14 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota; excepting Lot 1 on Block 13 and Lot 1 in Block 14 of Big Sky Subdivision and Dedicated Public Rights of Way (Big Sky Drive and DeGeest Street), as shown on the plat filed in Plat Book 29, Page 154, located at the northern terminus of DeGeest Street. (CONTINUE TO OCTOBER 15, 2001)
47. No. 01PL055 – Approve the request by Dream Design, Inc. for Legacy Land Company for a **Preliminary and Final Plat** located at the southwest corner of the Minnesota Street and Derby Lane intersection.

#### RESOLUTION APPROVING PLAT

WHEREAS a Plat of Tract A-1 and Tract B-1, a Replat of Tract A and Tract B of the Meadows Subdivision, located in the W1/2 of SE1/4, Section 18, 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 Tract A-1 and Tract B-1, a Replat of Tract A and Tract B of the Meadows Subdivision, located in the W1/2 of SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 1st day of October, 2001.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

48. No. 01PL064 - A request by FMG, Inc. for Robbins & Stearns for a **Layout, Preliminary and Final Plat** on Lot 1 and Lot 2 of Bies Subdivision formerly the unplatted balance of the SE1/4 of the NE1/4 of Section 18 located in the SE1/4 of the NE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of S. Highway 79, north of Minnesota Street. (CONTINUE TO OCTOBER 15, 2001)
49. No. 01PL065 - A request by D. C. Scott Co. for a **Preliminary and Final Plat** on Lot 4R of Polar Bear Subdivision formerly Lot 4 of Polar Bear Subdivision and unplatted land located in the NE1/4 SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of Sydney Drive and S.D. Highway 79. (CONTINUE TO OCTOBER 15, 2001)

- 50. No. 01PL069 – Approve the request by Polenz Land Surveying for Rose Schimke for a **Preliminary and Final Plat** located at 1650 Sweetbriar.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of lot 5R and 6R of Schimke Subdivision, formerly Lot 5 and 6 of Schimke Subdivision all located in the S1/2 of the SW1/4 of, Section 3, 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 lot 5R and 6R of Schimke Subdivision, formerly Lot 5 and 6 of Schimke Subdivision all located in the S1/2 of the SW1/4 of, Section 3, 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 1st day of October, 2001.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 52. No. 01PL072 - A request by Centerline Inc. for Heartland Development Group LLC for a **Layout and Preliminary Plat** on Lots 1 thru 10 and Drainage Lot 11 in Block 1 and Lots 1 thru 12 in Block 2 of Northstar Industrial Park Subdivision located in the NE1/4 of the NE1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of Seger Drive and Dyess Avenue intersection. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Prior to Preliminary Plat approval by the City Council, revised topographic information shall be submitted for review and approval; 2) Prior to Preliminary Plat approval by the City Council, a complete grading plan and a drainage plan shall be submitted for review and approval; 3) Prior to Preliminary Plat approval by the City Council, a storm sewer design plan shall be submitted for review and approval. The plan may include the use of corrugated metal pipe in lieu of re-enforced concrete pipe along Seger Drive and Dyess Avenue upon submission of information demonstrating that the corrugated metal pipe meets the minimum required standards; 4) Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; 5) Prior to Preliminary Plat approval by the City Council, the plat shall be revised to show a non-access easement on Lot 3 of Block 1, 208 feet back from the intersection, and along Dyess Avenue 193 feet back from the intersection. The accesses for Lot 3, Block 1 shall be shared with the accesses for Lot 2, Block 1 and Lot 4, Block 1. In accordance with the Street Design Criteria Manual, a non-access easement shall be shown along the Seger Drive frontage for Lot 9, Block 2, Lot 1, Block 1 and Lot 2, Block 1 (accept for the shared approach location with Lot 3, Block 1). A non-access easement shall be shown on the Dyess Avenue frontage for Lot 1, Block 2 and Lot 6, Block 1. In addition, a non-access easement shall be shown along the North Star Boulevard frontage 115 feet back from the intersection with Dyess

Avenue and Seger Drive on Lots 9, Block 2, Lot 1, Block 1, Lot 1, Block 2 and Lot 6, Block 1; 6) Prior to Preliminary Plat approval by the City Council, the plat shall be revised to provide a road connection to the south lot line. In addition, road construction plans for the street shall be submitted for review and approval; 7) Prior to Final Plat approval by the City Council, Seger Drive and Dyess Avenue shall be improved to minor arterial road standards or a waiver of right to protest any future assessment on the subject property shall be signed; 8) Prior to Final Plat approval by the City Council, the interior road(s) shall be constructed to industrial road standards or surety shall be posted for the improvement; 9) Prior to Preliminary Plat approval by the City Council, the road construction plans for the road connection to the south shall include a temporary turnaround at the end of the roadway in accordance with the minimum requirements of the Street Design Criteria Manual and approved by the Fire Department; 10) Prior to Preliminary Plat approval by the City Council, a site plan shall be submitted showing the location of proposed fire hydrants on the subject property; 11) All provisions of the Uniform Fire Code shall be met; 12) Prior to Final Plat approval by the City Council, a revised road name shall be submitted for review and approval. In addition, the plat shall be revised to reflect the approved road name; 13) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 14) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.)

53. No. 01PL079 - A request by Ferber Engineering Company for a **Preliminary and Final Plat** on Lot 1 and Lot 2 of Lowe's Subdivision formerly Tract CR and Tract 1 of Martley Subdivision located in the NW1/4 of the NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on the east side of Haines Avenue between Mall Drive and Disk Drive. (CONTINUE TO OCTOBER 15, 2001)
55. No. 01PL083 - A request by Fisk Land Surveying for Justin Lena for a **Preliminary and Final Plat** on Lot 5-Revised and Lot 6-Revised of Block 7 of the NW1/4 NE1/4 of Section 9, T1N, R7E, BHM (aka Schamber Addition), Rapid City, Pennington County, South Dakota and dedicated ROW formerly all of Lots 5 and 6 of Block 7 of the NW1/4 NE1/4 of Section 9, T1N, R7E, BHM (aka Schamber Addition) Rapid City, Pennington County, South Dakota, located at 3610 and 3614 Cottonwood Street. (CONTINUE TO OCTOBER 15, 2001)
57. No. 01PL088 - A request by Ron & Mary Ann Davis for a **Final Plat** on Lots 1 thru 18 of Buffalo Ridge Subdivision formerly: unplatted all located in: NW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located 800 feet south of the intersection of Twilight Drive and Reservoir Road. (CONTINUE TO OCTOBER 15, 2001)
58. No. 01PL089 - A request by Dream Design International for a **Preliminary and Final Plat** on Lots 7-9, Block 4; Lots 13-23, Block 6, Lot 6, Block 7; Lots 1-11, Block 8; Lots 1-2, Block 9 of Big Sky Subdivision and dedicated South Pitch Drive, Aurora Drive, Carl Avenue and major drainage easements located in NE1/4SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located at the current northern terminus of South Pitch Drive. (CONTINUE TO OCTOBER 15, 2001)
59. No. 01PL094 - A request by D.C. Scott Co. for Jerry Burrow for a **Layout Plat** on Lot 16 of Twilight Hill Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located at 5252 Ross Court. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of the Preliminary Plat approval, the applicant shall submit for review and approval topographic information, a grading plan and a drainage plan; 2) Prior to Preliminary Plat approval, the plat shall be revised to include the dedication of 17 feet of right of way along Reservoir Road; 3) Prior to Preliminary Plat

approval, the plat shall be revised to dedicate non-access easements as required by the Engineering Division; 4) 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 or a subdivision variance must be obtained waiving the necessary improvements; 5) Prior to City Council approval of the Final Plat, the applicant shall apply for and receive a Building Permit for the single family residence; 6) Prior to City Council approval of the Final Plat, the applicant must obtain an approach permit; 7) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 8) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.)

60. No. 01PL095 - A request by Ferber Engineering Company for a **Preliminary and Final Plat** on Lots 7R and 8R of The Flannery Subdivision No. 2 formerly Lots 7, 8 and 9 of The Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Ireland Place south of Corral Drive. (CONTINUE TO NOVEMBER 5, 2001)
61. No. 01PL096 - A request by Gary Rasmusson for a **Final Plat** on Lots 31R through 35R, and Lots 40 through 42, of Block 11, and Lots 1R through 4R, and Lot 26 of Block 13, Robbinsdale Addition No. 8 (formerly Lots 31 through 35, and Lot 36 Rev. of Block 11, and Lots 1 through 4 of Block 13, of Robbinsdale Addition No. 8) Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Sitka Street and Hemlock Street. (CONTINUE TO NOVEMBER 5, 2001)
62. No. 01PL097 - A request by Dream Design International for a **Preliminary and Final Plat** on Tract A and dedicated streets, Big Sky Subdivision - Phase VII located in the SE1/4 NW1/4 and the NE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota; excepting Lot 1, Block 13 and Lot 1, Block 14 of Big Sky Subdivision and dedicated public rights of way (Big Sky Drive and Degeest Street), as shown on the plat filed in Plat Book 29, Page 154, also excepting Lots 1 and 2, Block 13 and Lots 2, 3, 4 and 5, Block 14 and dedicated public rights of way (Degeest St., Buddy Ct. and Homestead Ave.), located at the intersection of Degeest Street and Homestead Avenue. (CONTINUE TO OCTOBER 15, 2001)

### End of Planning Consent Items

The Mayor presented No. 01PL071, a request by City of Rapid City for a **Preliminary and Final Plat** on Lots 1, 2 and 3 of Owen Hibbard Subdivision and Tish Drive Dedicated Right of Way, all located in Tract A of Tract 1 of W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located U.S. Highway 16 north of Golden Eagle Drive and adjacent to the Old Marine Life. Motion was made by Kroeger, seconded by Hadley and carried to continue this item until October 15, 2001.

The Mayor presented No. 01PL082, a request by Hagg Development for a **Preliminary and Final Plat**, located at the intersection of Catron Boulevard and Wellington Drive. The following Resolution was introduced, read and Kroeger moved its adoption:

#### RESOLUTION APPROVING PLAT

WHEREAS a Plat of South Hill Subdivision: Lots 6RA, 6RB, 7RA, 7RB, 8RA, 8RB and 9R of Block 2 (formerly Lots 6, 7, 8 & 9 of Block 2) located in NW1/4 of the NE1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of South Hill Subdivision: Lots 6RA, 6RB, 7RA, 7RB, 8RA, 8RB and 9R of Block 2 (formerly Lots 6, 7, 8 & 9 of Block 2) located in NW1/4 of the NE1/4, Section 26, T1N, R7E, 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 1st day of October, 2001.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

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

The Mayor presented No. 01PL084, a request by Richard O. Stahl for a **Preliminary and Final Plat** on Lots 1-5 of Stahl Victorian Addition (formerly Tracts J, K, L, M and N of Lot 6 of Block 19, Boulevard Addition) of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of West Street and South Street. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until October 15, 2001.

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

The Mayor presented No. 01PD044, a request by Dream Design International, Inc. for a **Major Amendment to a Planned Commercial Development** located on the following property: Tract A of The Meadows Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and a tract of land located in the W1/2 of the SE1/4 Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota consisting of a portion of Tract B of The Meadows Subdivision as recorded in Plat Book 28 Page 173. More particularly described as follows: Beginning at the Northeast corner of said Tract B of The Meadows Subdivision a found rebar and cap stamped LS 4225, this being the true point of beginning. Thence S00°00'41"E 140.21 feet along the east boundary of said Tract B, Thence S89°50'18"W 189.16 feet to a point on the easterly right of way of Derby Lane, Thence N39°48'27"W 8.42 feet along said right of way of Derby Lane to a point of curve with a radius of 149.00 feet, Thence along said right of way of Derby Lane on said curve to the right an arc length of 103.44 feet to the point of tangency, Thence N00°12'34"W 39.02 feet along said Derby Lane right of way, Thence S89°59'52"E 229.04 feet along the westerly line of said Tract B to the point of beginning, said tract containing 1.71 acres more or less, located at the intersection of Derby Lane and Minnesota Street. Motion was made by Kroeger, seconded by Hanks and carried to approve the requested Amendment, with the following stipulations: 1) All stipulation of the Preliminary and Final Plat 01PL055 shall be met; 2) Prior to City Council approval, the applicant shall submit a revised site plan identifying only one access from Derby Lane; 3) Prior to City Council approval, the applicant shall submit a revised site plan identifying an emergency vehicle turnaround for the proposed south parking lot; 4) Prior to issuance of a Building Permit, the applicant shall provide detailed building construction plans. Based on the type of construction, an additional on-site fire hydrant may be required; 5) The associated rezoning from Medium Density Residential to Office Commercial Zoning shall be

approved; 6) The use of the property shall be limited to a funeral home and related accessory structures. Any change in use shall require a Major Amendment to the Planned Commercial Development; 7) The structure shall have a maximum height of one-story as defined in Section 17.04.115 of the Rapid City Municipal Code; 8) The building shall be residential in appearance with a sloped roof; 9) A five to six foot (5-6') high opaque, wood or masonry, ornamental screening fence shall be installed along the side and rear yards of this development. The fence located on the east side of the property shall be located outside the major drainage easement with the finished side facing east; 10) All overhead parking lot lighting shall be directed away from the neighboring residences; and, 11) All other provisions of the Landscape and Parking Ordinances shall be met.

The Mayor presented No. 01PD045, a request by Dream Design International, Inc. for a **Planned Residential Development - Initial and Final Development Plan** on SE1/4 SE1/4 Section 13, T2N, R7E, BHM, Pennington County, South Dakota, located at the northwest corner of the intersection of Country Road and Nike Road. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until October 15, 2001.

The Mayor presented No. 01PD046, a request by Hagg Development for a **Major Amendment to a Planned Unit Development** on Lots 6RA, 6RB, 7RA, 7RB, 8RA, 8RB and 9R of Block 2 of South Hill Subdivision (formerly Lots 6, 7, 8 & 9 of Block 2) Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Catron Boulevard and Wellington Drive. Motion was made by Kroeger, seconded by Hadley and carried to approve the requested Amendment with the following stipulations: 1) Prior to issuance of a building permit for Lots 7RA thru 8RB, an erosion control plan for proposed Lot 9R shall be submitted for review and approval; 2) Prior to City Council approval, Final Plat #01PL082 shall be approved; 3) Prior to issuance of a building permit, fire hydrants shall be in place and operational. In addition, minimum fire flows of 1,500 gpm shall be available; 4) All previous conditions of approval for the Planned Unit Development #98PD010 shall be continually met with the exception that townhomes shall be allowed on Lots 6RB thru 8RB and the allowed density shall be increased from 74 dwelling units to 76 dwelling units; 5) All signage shall conform to the design and location as shown in the sign package submitted as part of this Major Amendment to the Planned Unit Development; 6) The proposed structure(s) shall conform architecturally to the plans and elevations submitted as part of this Major Amendment to the Planned Unit Development; and, 7) The Major Amendment to the Planned Unit Development shall expire if the use is not undertaken and completed within two years of the date of approval by City council, or if the use as approved has ceased for a period of two years.

The Mayor presented No. 01PD047, a request by Richard O. Stahl for a **Planned Residential Development - Final Development Plan** on Lots 1-5 of Stahl Victorian Addition (formerly Tracts J, K, L, M and N of Lot 6 of Block 19, Boulevard Addition) of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of West Street and South Street. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until October 15, 2001.

The Mayor presented No. 01SV025, a request by Ron & Mary Ann Davis for a **Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalk, street light conduit, water and sewer for Reservoir Road** on Lots 1 thru 18 of Buffalo Ridge Subdivision formerly: unplatted all located in: NW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located 800 feet south of the intersection of Twilight Drive and Reservoir Road. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until October 15, 2001.

The Mayor presented No. 01UR032, a request by Dream Design International, Inc. for a **Use On Review to allow a utility substation in the Low Density Residential Zoning District** on the NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South



Dakota, located north of the current northern terminus of Muirfield Drive. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until October 15, 2001.

The Mayor presented No. 01UR034, a request by Harland Danielsen for a **Use on Review to allow an On-Sale Liquor Establishment including an outdoor concert facility** on Lot 8 of Tract "B" of SW1/4 NE1/4; Lot 2 of Tract E of SE1/4 NW1/4 of Meadowwood Subdivision and Lot 3 of Lot 88A of Pine Hills Subdivision, all located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4095 Sturgis Road. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until November 19, 2001.

The Mayor presented No. 01UR037, a request by Anne Devlin for a **Use On Review for a Child Care Center** on Lot 2 less W250', Nicholl's Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1241 E. St. Joseph Street. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until October 15, 2001.

The Mayor presented No. 01UR042, a request by M & K Consulting for Western Wireless Corp. for a **Use on Review to allow Communication Tower in Public District** on the following property: A parcel of land located in Tract "A" of Tract 1 of the W1/2SW1/4 of Section 23, T1N, R7E, BHM, Pennington County, South Dakota; (as set out in Plat Book 11, Page 207 of the Pennington County Register of Deeds); More particularly describes as: Commencing at the Northwest Corner of Tract "A", which bears N0°01'49"W a distance of 1516.46 feet from the Southwest Corner of Section 23, T1N, R7E, BHM, being the POINT OF BEGINNING; Thence S89°59'13"E along the north boundary of said Tract "A" a distance of 527.28 feet; Thence S07°18'58"W a distance of 460.40 feet to the proposed centerline of Tish Drive, Thence N82°32'54"W along said centerline a distance of 9.91 feet to the beginning of a curve concave to the Southwest having a radius of 150.00 feet and a central angle of 54°38'42"; Thence along said centerline and along said curve an arc distance of 143.06 feet; Thence along said centerline S42°48'28"W a distance of 483.98 feet to a point on the west section line of Section 23 and the west boundary of said Tract "A"; thence N0°01'49"W along said section line and along the west boundary of Tract "A" a distance of 857.37 feet to the point of beginning. Said parcel containing 6.90 Acres more or less and located north of Golden Eagle Drive and adjacent to old Marine Life. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until October 15, 2001.

The Mayor presented No. 01UR047, a request by Terrell Adams for a **Use On Review** to allow a private residential garage in excess of 1000 square feet in the Medium Density Residential Zoning District on Lot 10, Madison's Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4385 Haines Avenue. Motion was made by Kroeger, seconded by Steinburg and carried to approve the requested Use on Review, with the following stipulations: 1) The first fifty feet of the existing driveway shall be paved and the remainder of the existing driveway shall be continually maintained with a minimum 20 foot wide all weather surface; 2) Prior to any construction, the applicant shall obtain a Building Permit and prior to occupancy, the applicant shall obtain a Certificate of Completion; 3) No plumbing shall be allowed in the garage; and, 4) Prior to issuance of a Building Permit, the applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage shall be used only for residential purposes.

The Mayor presented No. 01UR049, a request by Dave M. Handley for a **Use On Review to allow an On-Sale Liquor Establishment in the General Commercial Zoning District** on the east 195 feet of Lot 2 and Lot 3, Block 1, Hansen Heights Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 420 East Saint Patrick Street. Motion was made by Kroeger and seconded by Waugh to deny the application. Handley appeared before the Council and discussed the proposed location. He stated that the proposed location will be two blocks from the nearest existing casino and he also does not feel it will have a negative impact on the Just Gymnastics operation. Handley also stated

that currently there is not a parking problem at this location because only half of the strip mall is leased. Substitute motion was made by Dreyer and seconded by Rodriguez to approve the Use on Review, with the following stipulations: 1) Prior to the issuance of a certificate of occupancy all requirements of the Fire Code shall be met; 2) Prior to the issuance of a building permit the applicant shall submit a floor plan for review to determine occupant load and related requirements; 3) that all requirements of Section 17.50.300 of the Rapid City Municipal Code Landscaping Regulations shall be continually met; 4) that all requirements of Section 17.52.70 of the Rapid City Municipal Code Off-Street Parking Regulations shall be continually met or a variance waiving those requirements shall be obtained; and 5) that the Use on Review approval shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use, as approved, has ceased for a period of two years. Johnson spoke against any variance being granted for parking at this strip mall, either now or in the future. Substitute motion was made by Johnson, seconded by Hadley and carried to approve the requested Use on Review with the stipulations listed, except that the following verbiage be deleted from Stipulation No. 4: "or a variance waiving those requirements shall be obtained".

The Mayor presented No. 01UR050, a request by FMG Engineering for Northwestern Engineering for a **Major Amendment to a Use On Review to allow for the expansion of a mobile home park in the Medium Density Residential District** on Lots 1 and 2 of Meadowlark Hills Subdivision and unplatted land located in SE1/4 of the NE1/4 all located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of East North Street, east of LaCrosse Street. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until October 15, 2001.

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

The Mayor announced the meeting was open for hearing on No. 01RZ047, second reading of **Ordinance 3724**, a request by Dream Design International, Inc. for a **Rezoning from Medium Density Residential District to Office Commercial District** on the following property: A tract of land located in the W1/2 of the SE1/4 Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota consisting of a portion of Tract B of the Meadows Subdivision as recorded in Plat Book 28 Page 173. More particularly described as follows: Beginning at the Northeast corner of said Tract B of the Meadows Subdivision a found rebar and cap stamped LS 4225, this being the true point of beginning. Thence S00°00'41"E 140.21 feet along the east boundary of said Tract B, Thence S89°50'18"W 189.16 feet to a point on the easterly right of way of Derby Lane, Thence N39°48'27"W 8.42 feet along said right of way of Derby Lane to a point of curve with a radius of 149.00 feet, Thence along said right of way of Derby Lane on said curve to the right an arc length of 103.44 feet to the point of tangency, Thence N00°12'34"W 39.02 feet along said Derby Lane right of way, Thence S89°59'52"E 229.04 feet along the westerly line of said Tract B to the point of beginning, said tract containing .71 acres more or less, located at the intersection of Derby Lane and Minnesota Street. Notice of hearing was published in the Rapid City Journal on August 11 and August 18, 2001. Ordinance 3724, having passed the first reading on August 6, 2001, it was moved by Hadley and seconded by Steinburg that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3724 the second time.

The Mayor presented No. 01RZ049, second reading of **Ordinance 3728**, a request by Dream Design International, Inc. for a **Rezoning from No Use District to Low Density Residential District** on SE1/4 SE1/4 Section 13, T2N, R7E, BHM, Pennington County, South Dakota, located at the northwest corner of the intersection of Country Road and Nike Road. Motion was made by Hadley, seconded by Steinburg and carried to continue this item until October 15, 2001.

The Mayor announced the meeting was open for hearing on No. 01RZ053, second reading of **Ordinance 3739**, a request by Dave M. Handley for a **Rezoning from Neighborhood Commercial District to General Commercial District** on the east 195 feet of Lot 2 and Lot 3, Block 1, Hansen Heights Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 420 East Saint Patrick Street. Notice of hearing was published in the Rapid City Journal on September 22 and September 29, 2001. Ordinance 3739, having passed the first reading on September 17, 2001, it was moved by Hadley and seconded by Steinburg that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3724 the second time.

**Ordinance 3738** (No. 01RZ054) a request by Wyss Associates for W.E.B. Partners for a **Rezoning from Office Commercial District to General Commercial District** on the following property, was introduced: Beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12" E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34°36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, located west of the western terminus of Fairmont Boulevard and north of Tower Road. Upon motion made by Hadley, seconded by Steinburg and carried, Ordinance 3738 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, October 15, 2001.

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

The next item discussed by the Council was No. LF092601-02, recommendations from the **Floodplain Committee** regarding the use of Memorial Park. Motion was made by Hanks and seconded by Murphy to approve the recommendations from the Committee. Deb Lux read a letter which was drafted by Linda Anderson, executive of the Rapid City Arts Council in support of the Jazz & Blues Festival. In her letter Anderson requested that decisions on the issues involving Memorial Park be resolved as soon as possible so that fund raising for this event can proceed. She noted that if the City would provide power to the northwest quadrant of the park, vendors could be relocated to this area out of the floodplain. Anderson also explained that the temporary fencing for the Festival stays in place between 12-14 hours. She requested that the fencing be allowed if accommodations are implemented to dismantle it in 15 minutes, if necessary. Anderson asked that an amendment be made to the Floodplain Policy which would allow for temporary fencing for events such as the Jazz & Blues Festival. Kriebel stated that he feels the City could adopt some stipulations that would allow temporary fencing in the floodway. Mark Ploomer spoke on behalf of the Hills Alive Concert that is put on in Memorial Park. He noted that the fences that are put up also serve a safety purpose. This event is family oriented and many events are planned for families. The fencing does help keep children away from Rapid Creek. Ploomer added that in 2000 there were thunderstorms in the area and the event staff monitored the local weather channels. Once it was determined that the storm was going to come through Rapid City, the event was shut down. They will continue to use common sense in administering this event. Ploomer suggested the following stipulations for using safety fencing in the Floodway: 1) No overnight fencing is allowed; 2) fence will be removed in the event of a flash flood watch or warning issued anywhere upstream on Rapid Creek; and 3) that event staff be in the park at all times while the fence is up to dismantle the fence if necessary. Lengthy discussion continued on ways to handle the people at these events. Johnson urged the Council to develop good policy for the floodway without taking into account the event or its financial impact on Rapid City. Kriebel asked what the process would be if the Council chose to revise the floodplain policy. Planning Director Marcia Elkins explained that that the first step would be to revise the Floodplain Policy to

allow temporary fencing. Secondly, a use on review would have to be applied for by the organization, and thirdly, a special exception to the Flood Regulations would have to be issued by the Council. **Substitute motion** was made by Kriebel and seconded by Rodriguez that the City Council continue to support the Floodplain Policy requirement that no structures be permitted in the floodway; and delete recommendation Nos. 2 and 3; and direct staff to bring back the Floodplain policy for amending by this Council and that the use on review and special exception procedures be started. Discussion continued. **Substitute motion** was made by Dreyer and seconded by Rodriguez that the city continue to adhere to the policies of the past and grant variances to the organizations hosting these events as the Council deems necessary. Upon vote being taken, the motion carried unanimously. Ploomer asked for clarification on the Council's action. Elkins stated that the events will have to submit applications for a Use on Review and a Special Exception. They will then be processed through the normal Planning Commission process. (SECRETARY'S NOTE: There is further discussion on this item later in the meeting.)

Motion was made by Hanks, seconded by Kroeger and carried to direct staff to proceed with minimal upgrades in walkways and electrical services outside of the hydraulic floodway in **Memorial Park** to help support the Heritage Festival. Public Works Director Dan Bjerke stated that funds have been budgeted for this project.

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

The next item before the Council at this time was No. PW092601-08, relative to the **Traffic Signal at 5<sup>th</sup> and Meade Street**. Motion was made by Kroeger and seconded by Murphy to allow the signal to remain at this intersection. Twyla Leudtke urged the Council to heed the recommendation of the City's Traffic Engineer and leave the traffic light in its present location. Jodi Fisk concurred noting that her children cross 5th Street at this location to go to school. She submitted copies of a petition she circulated which is signed by citizens wanting the light to remain in its present location. Substitute motion was made by Steinburg and seconded by Hadley to leave the pedestrian activated light at the intersection of 5th Street & Meade Street, and install an additional traffic signal at the Fifth Street/Indiana Street intersection. He noted that this would help the people living on Indiana Street who currently can't get out of their driveways because of the traffic that is backed up. Public Works Director Dan Bjerke suggested restricting parking on Indiana Street to one side of the street and putting in a right-turn lane. This would take care of the traffic problem. He also noted that according to the traffic warrants, if the light is moved, it should be moved to Flormann Street rather than Indiana. Roll call vote was taken: AYE: Hadley, Steinburg and Waugh; NO: Johnson, Murphy, Rodriguez, Dreyer, Hanks, Kroeger and Kriebel. Motion failed, 3-7. **Substitute motion** was made by Johnson and seconded by Kriebel to move the signalized intersection to the Indiana/5th Street intersection and create a right-turn lane on Indiana Street. Substitute motion was made by Murphy to re-design the Indiana/5th Street intersection to include a turning lane and leave the traffic light at the Meade/5th Street intersection. Motion died for lack of a second. Roll call vote was taken on the motion to move the light to Indiana Street: AYE: Johnson, Hadley, Rodriguez, Dreyer, Steinburg, Waugh and Kriebel; NO; Murphy, Hanks and Kroeger. Motion carried, 7-3.

Motion was made by Kroeger and seconded by Hanks to authorize staff to re-advertise for Bids for GC00-1016, **Meadowbrook Golf Course Clubhouse** Project (No. PW061301-11). Dave Strain gave a brief history of the golf course and how it came to be built in its present location after the 1972 Flood. He encouraged the Council to approve the new clubhouse project. Dreyer encouraged the people involved with this project to review the plans and "think outside the box" so that the City can get the clubhouse it needs at a reasonable price. Waugh stated that the City has a design for the project that will work and it has been reviewed by City staff, the Golf Committee and the men's and women's golf associations. He urged the Council to proceed with this project. Roll call vote was taken: Murphy, Rodriguez,

Hanks, Kroeger, Steinburg, Waugh and Kriebel; NO: Johnson, Hadley and Dreyer. Motion carried, 7-3.

Motion was made by Kroeger, seconded by Murphy and carried to grant a variance to Priscilla Zenk, 728 St. Charles from **constructing a sewer main** from the property to Mt. Rushmore Road; and require Priscilla Zenk to sign a Waiver of Right to Protest.

Motion was made by Dreyer and seconded by Steinburg to reaffirm the Public Works Department Policy that requires drivers of any city owned/leased, or city operated vehicle to be in compliance with all local, State and Federal laws (No. PW092601-13). Substitute motion was made by Hadley and seconded by Steinburg to strike "vehicles being over-weight" from the existing policy. Dreyer stated that he feels drivers of the City's vehicles should be responsible for the loads they are carrying. Johnson stated that if the drivers are given a specific route to cover and only a certain amount of time, then perhaps the City should pay any over-weight fines they get. Public Works Director Bjerke stated that they talk with all the drivers of these vehicles specifically about NOT overloading the trucks. They are allowed the amount of time they need to get this job done and they are paid overtime as required. Murphy stated that he is not in favor of changing the City's policy on these issues. Kriebel suggested that an appeals process be established for employees who would like to address the Council on this type of issue. Hadley stated that something needs to be corrected with this process, especially the work that needs to be done the days immediately following a holiday. Substitute motion was made by Johnson, seconded by Hadley and carried to request that the Solid Waste Committee establish an appeal process for this issue.

The next item discussed by the Council was No. PW092601-10 which directs staff to prepare an Ordinance based on the Public Works Policy Statement on Maintenance of Curb and Gutter Located in the Public Right-of-Way. **Ordinance 3740** entitled An Ordinance Adding Sections 12.20.100 and 12.20.110 of Chapter 12.20 of the Rapid City Municipal Code Regulating Maintenance of Curb and Gutter and Gravel Surfaces in Public Rights-of-Way, was introduced. Motion was made by Kroeger and seconded by Hanks to approve first reading of Ordinance 3740 and set second reading for Monday, October 15, 2001. Kriebel objected to how the City is handling maintenance on gravel surfaces. Property owners who live on unimproved gravel right-of-ways pay taxes to the City and they should get some maintenance. Upon vote being taken, the motion carried with Hadley and Kriebel voting no.

Motion was made by Hadley and seconded by Johnson to allow Mr. Talbot to appeal the over-weight fine he got under the policy established by the Solid Waste Committee. Rodriguez stated that anyone should be allowed to appeal, not just this individual. Perhaps a date should be established. Murphy spoke against allowing appeals for fines received before the procedure is established. Hadley amended his motion to state fines received on or after September 4, 2001 could be appealed under this policy. Kriebel stated that the cut-off time should be established by the Solid Waste Committee. Roll call vote was taken: AYE: Johnson, Hadley, Rodriguez, Steinburg and Kriebel; NO: Murphy, Dreyer, Hanks, Kroeger, and Waugh. Mayor Munson voted No to break the tie and the motion failed. Motion was made by Hadley to allow Mr. Talbot to appeal his fine to the Solid Waste Committee. Motion died for lack of a second. Johnson requested that the Solid Waste Committee prepare an appeal procedure for consideration by the City Council which should include a time frame for appeals.

### ***Items from Visitors***

It was noted that Shawn Tobin was not present to appeal the Police Chief's decision to deny his security license application. Motion was made by Johnson, seconded by Hadley and carried to table this item.

**Bills**

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

Payroll Ending 09-22, Paid 09-28-01	529,039.02
Payroll Ending 09-30, Paid 09-28-01	743,142.15
Payroll Ending 09-22, Paid 9-28-01	3,375.42
Pioneer Bank, 09-28 taxes, Paid 09-28-01	137,308.89
Pioneer Bank, 09-28 taxes, Paid 09-28-01	191,182.14
Pioneer Bank, 09-28 taxes, Paid 09-28-01	253.22
First American Administrators, 09-18 claims, paid 09-19-01	62,385.67
First American Administrators, 09-24 claims, paid 09-25-01	63,654.22
Berkley Administrators, September claims, paid 09-25-01	42,432.50
1st National Bank, SRF loan payments, Paid 9-28-01	120,076.89
SD Dept. of Revenue, August sales tax, Paid 9-18-01	22,617.99
SD Dept. of Revenue, August sales tax, Paid 9-18-01	9,277.02
Audio Visual Solutions, projector/screen	5,313.00
BH Power & Light, electricity	10,292.68
US Postmaster, postage	1,500.00
Computer Bill List	<u>3,895,965.00</u>
Subtotal	\$5,837,815.81

Payroll Ending 09-22, Paid 09-28-01	2,447.68
Pioneer Bank, 9-28 taxes, Paid 9-28-01	182.31
City of Rapid City, computer center charges	47.59
City of Rapid City, postage	3.70
RSVP Petty Cash, stamps	54.00
Marlin Leasing, copier lease	13.60
Simpson's Printers, newsletter	79.50
Sinclair Fleet Fueling, August gasoline	71.90
School of Mines, telephone	63.98
Angelique Weeks, mileage	57.60
Western Mailers, postage	<u>8.19</u>
Total	\$5,840,845.86

**Finance Officer**

The next item on the agenda was No. CC100101-01. Finance Officer Jim Preston advised the Council of the Mayor's Veto of Resolution relating to Caldwell request **for Special Exception to the Flood Area Construction Regulations**. Motion was made by Hanks and seconded by Waugh to reconsider the action taken on September 17th relative to this issue. Upon vote being taken, the motion carried with Johnson voting no. Motion was made by Hanks and seconded by Rodriguez to re-affirm the Council's approval of a special exception to the flood area construction regulations, with the stipulations noted in the Council minutes of September 17, 2001. Former Police Chief Tom Hennies spoke of his experiences on the night of June 9, 1972 and he urged the City Council to "stay the course" of previous City Councils not to allow encroachment into the floodway. Perry Rahn, retired professor from the School of Mines, spoke against any development in the City's floodway. He encouraged the Council to make the right decision tonight. Bill Caldwell requested that the Council override the Mayor's veto so that he can continue with his construction project. Asst. City Attorney Adam Altman indicated that he has found two grant sources that may be able to provide funding the City could use to purchase Mr. Caldwell's property. They are competitive grants through FEMA so applications would have to be submitted. Lengthy discussion continued on the merits of this issue. Hanks called the question and there were no objections. Roll call vote

was taken: AYE: Hanks, Murphy, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: Johnson and Steinburg. Motion carried, 8-2.

Hanks requested that staff proceed with looking for ways to purchase the Caldwell property.

**Public Works Director**

The next item before the Council was No. CC100101-03, a request for emergency purchase of a **boiler replacement** for the Waste Water Treatment Plant, in the amount of \$16,378. Motion was made by Murphy, seconded by Rodriguez and carried to approve the request.

**Special Items**

Kriebel stated that he was hoping the organizations which sponsor **festivals in Memorial Park** could have their variance request approved tonight. Motion was made by Kriebel and seconded by Rodriguez that the City grant an exception to the Floodplain Policy to allow the Hills Alive, Jazz & Blues and Heritage Festivals to use Memorial Park in FY2002 with the stipulations relating to the plastic fence that were discussed earlier in the meeting (no overnight fence, must be removed if there is a weather alert, and have staff on the premises specifically for the purpose of taking the fence down). Johnson stated that he doesn't know why the City would spend funds to move the electrical outlets and then let the fences be put up anyway. Kriebel stated that the only thing this exception would allow in the floodway is the fence. All vendors and booths will have to be moved out of the area. Upon vote being taken, the motion carried with Johnson voting no.

**Executive Session**

Motion was made by Hanks, seconded by Rodriguez and carried to go into executive session to discuss contractual matters. The Council came out of executive session at 11:55 but no report was made.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:55 P.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

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

(SEAL)