

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
October 15, 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 15, 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, Ray Hadley, Rick Kriebel and Mel Dreyer; the following arrived during the course of the meeting: None; and the following were absent: None.

Motion was made by Hanks, seconded by Dreyer and carried to approve the minutes of October 1, 2001.

***Bid Openings***

The following bids for **Alfalfa Bales** were opened on October 8, 2001:

- |    |               |              |
|----|---------------|--------------|
| 1) | Tom Carter    | \$58 per ton |
| 2) | Tom Vore      | \$45 per ton |
| 3) | Kelvin Poppen | \$51 per ton |

Staff has reviewed the bids and recommends award to Tom Carter. Motion was made by Hanks, seconded by Dreyer and carried to award the bid for Alfalfa Bales to Tom Carter, the highest bidder, in the bid amount of \$58 per ton.

The following bids for **Surplus Property** (W5' of Block 28, Airport Addition) were opened at 2:00:

- |                |          |
|----------------|----------|
| Qusi R. Al-Haj | \$700.00 |
|----------------|----------|

Motion was made by Steinburg, seconded by Hadley and carried to refer this bid to the Legal & Finance Committee for review and recommendation.

The following bids for Maintenance Contract for **City Street Lights** Project No. ST01-1148 were opened on October 11, 2001:

- |    |                                  |                  |
|----|----------------------------------|------------------|
| 1) | Conrad's Big C Electric          | \$2,849.70/month |
| 2) | Solar Sound/Lighting Maintenance | \$1,723.39/month |

Staff has reviewed the bids and recommends award to Solar Sound. Motion was made by Hadley, seconded by Steinburg and carried to award the bid for ST01-1148 to Solar Sound/Lighting Maintenance, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a contract amount of \$1,723.39 per month.

***Mayor's Items***

Mayor Munson presented a Certificate of Recognition to Chris Grant and commended him for 25 years of service to the Rapid City community. He also presented a Certificate of Recognition to Chuck Larson and commended him for 20 years of service.

Council President Alan Hanks and Barbara Gill from the United Downtown Association presented \$3,800 to the City to be used to display flags in the downtown area. The funds were collected from downtown business owners and will be used to pay the manpower costs of putting the flags up and taking them down through Thanksgiving.

Mayor Munson and Jean Smith presented the City with an American Flag to be displayed in City Hall.

Janice Horner briefed the Council on the Center for Restorative Justice and the services they will provide with the funding they received from a mini-grant from the Weed & Seed Program.

### ***Special Items and 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 this issue has been resolved and the appeal is not necessary. Motion was made by Hanks, seconded by Kroeger and carried to table this item.

George Wallace addressed the Council relative to the **referendum petitions** that were submitted by Marshall Curtis for Ordinances 3732 and 3735. He did not feel the media portrayed their side of this issue. Wallace stated that these petitions should not be interpreted to impugn the integrity, operation, staff or the mission of the Journey Museum. The mission of the Committee to Preserve Petition and Referral Rights is to empower Rapid City's electorate with the final authority to decide the museum's request for public financial assistance. This is the purpose of the petition that was circulated.

Bev Pachan spoke in favor of the museum and urged the Council to continue its support of the facility.

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

This was the time set for hearing on the application of L&K, LLC dba **Mustang Grill Restaurant**, 710 St. Joe Street, for an On-Sale Wine License (New License – No Video Lottery). Upon motion made by Hadley, seconded by Steinburg and carried, the Council approved the application.

This was the time set for hearing on the application of L&K, LLC dba **Mustang Grill Restaurant**, 710 St. Joe Street, for an On-Off Sale Malt Beverage License (New License – No Video Lottery). Upon motion made by Hadley, seconded by Steinburg and carried, the Council approved the application.

This was the time set for hearing on the application of Wine Cellar 507 Partnership dba **Wine Cellar 507**, 507-513 Sixth Street, for an On-Sale Wine License Transfer (from Karen Johnson Pochardt). Upon motion made by Hadley, seconded by Steinburg and carried, the Council approved the application.

This was the time set for hearing on the application of Wine Cellar 507 Partnership dba **Wine Cellar 507**, 507-513 Sixth Street, for an Off-Sale Liquor License Transfer (from Karen Johnson Pochardt). Upon motion made by Hadley, seconded by Steinburg and carried, the Council approved the application.

This was the time set for hearing on the application of 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). Upon motion made by Hadley, seconded by Steinburg and carried, the Council approved the application.

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 hearing to be held on Monday, November 5, 2001:

10. Dave & Linda Handley dba **Hot Spot Casino**, 420 E. St. Patrick Street, No. 106, for an On-Off Sale Malt Beverage License Transfer (from Mary Jane Freimark)
- 10A. Alta-Lee, Inc. dba **Clock Tower Lounge**, 2525 W. Main Street, for a Sunday Opening License

### ***Consent Calendar***

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

#### ***Set for Hearing*** (November 5, 2001)

11. No. 01PD052 - A request by Dream Design International, Inc. for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Enchanted Pines Drive.
12. No. 01PD053 - A request by Rosenbaum's Signs for a **Major Amendment to a Planned Commercial Development** on Lots 12 through 18 of Block 17 of South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Flormann Street and 7th Street.
13. No. 01UR054 - A request by Rapid City Parks Department and the Rapid City Garden Club for a **Use On Review to allow a sign and bench in the Flood Hazard Zoning District** on Tract 25 less Lot H1, Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Omaha Street and Pressler Junction.
14. No. 1641 - A request by Dennis and Loretta Eisenbraun for a **Renewal of Use On Review to allow a Child Care Center** on Lot 5-6, Block 10, Nowlin & Wood Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 225 East Nowlin Street.

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

15. No. PW101001-01 – Approve the bid award of ST01-871, Highway 16/Promise Drive Street and Utility Construction Project to the lowest responsible bidder meeting specifications, R.C.S. Construction, Inc. for the low unit prices bid for a total contract amount of \$450,802.65.
16. No. PW101001-02 – Approve the bid award of Two (2) New Current Model Year Compact Skid Steer Loaders to the lowest responsible bidder meeting specifications, Jenner Equipment for the low unit price bid of \$44,570 less trade-ins for \$18,084 for a total contract amount of \$26,486; and award Alternate A – One (1) New Current Model Year Tandem Trailer to the lowest responsible bidder meeting specifications, Jack's Truck & Equipment Company for the low unit price bid of \$2,403.34.
17. No. PW101001-03 – Approve Change Order No. 01 for SSW98-753, Fifth Street Utility Reconstruction Project to Heavy Constructors Inc. for a decrease of \$28,253.37.

18. No. PW101001-04 – Approve Change Order No. 01 for SS00-926, West Rapid Street, Kinney Avenue & 32<sup>nd</sup> Street Sanitary Sewer Reconstruction Project to Hills Materials Company for an increase of \$11,120.54.
19. No. PW101001-05 – Approve Change Order No. 04F for SSW00-948, Columbus Street, Third Street, Sixth Street Utility Reconstruction Project o Mainline Contracting, Inc. for a decrease of \$37,162.02.
20. No. PW101001-06 – Approve Change Order No. 01F for ST00-1021, Corral Drive & Park Drive Right Turn Lane Project to Heavy Constructors, Inc. for a decrease of \$457.90.
21. No. PW101001-07 – Approve Change Order No. 01 for STCM01-1054, 1056 & 1129, 2001 Street Mill and Overlay Projects to Hills Materials Company for an increase of \$12,280.47.
22. No. PW101001-08 – Authorize the Mayor and Finance Officer to sign Amendment No. 01 to a Professional Service Agreement with McLaughlin Water Engineers, Ltd. for WRF00-1020, Water Reclamation Facility Upgrade/Expansion and Co-composting Facility Design for an amount not to exceed \$160,000.
23. No. PW101001-10 – Authorize the Mayor and Finance Officer to sign an Agreement with Mary Anne Curry of 5583 Wildwood Drive for a Permanent Utility Easement (associated with SSW00-943, Wildwood Street and Utilities Construction Project, Grading, Surfacing, Cub & Gutter, Storm Sewer, Water Main, Water Transmission Main and Sanitary Sewer Main).
24. No. PW101001-11 – Set Time and Place for Hearing on November 5, 2001 for Assessment Roll for SWK01-1096, Sidewalk Improvements Project.

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON  
ASSESSMENT ROLL FOR  
SIDEWALK IMPROVEMENTS PROJECT SWK01-1096

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

1. The assessment roll for Sidewalk Improvements Project SWK01-1096 was filed in the Finance Office on the 15th 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 15th day of October, 2001.

THE CITY COUNCIL

ATTEST:  
s/ James Preston  
Finance Officer  
(SEAL)

s/ Jerry Munson, Mayor

- 25. No. PW101001-12 – Approve the Revised Policy on Exceptions to Residential City-Conducted Water Line Repair.
- 26. No. PW092601-12 – Approve the Revised Policy on Private Service Line Locates.
- 27. No. 01VE011 – Approve a Vacation of Drainage and Utility Easement for Complete Home Builders Inc. located at 5443 Solitaire Drive.

**RESOLUTION OF VACATION OF DRAINAGE AND UTILITY EASEMENT**

WHEREAS it appears that a portion of the drainage and utility easement located on Lot 2, Block 1, Valleyridge Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota is not needed for public purposes; and

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

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the portion of the drainage and utility 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 15<sup>th</sup> day of October, 2001.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 28. No. 01VE018 – Approve a Vacation of Utility Easement for David and Juanita Edinger located at 4420 Colt Lane.

**RESOLUTION OF VACATION OF UTILITY EASEMENT**

WHEREAS it appears that a portion of the utility easement located on Lot 7, Block 4, Mallridge Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota is not needed for public purposes; and

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

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

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

Dated this 15<sup>th</sup> day of October, 2001.

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

CITY OF RAPID CITY  
s/ Jerry Munson

- 29. No. 01VE019 – Approve a Vacation of Utility Easement for Diane Rolof located at 1105 Sycamore Street.

**RESOLUTION OF VACATION OF UTILITY EASEMENT**

WHEREAS it appears that a portion of the utility easement located on Lot 23R, Block 13, Robbinsdale Addition No. 8, Section 18, T1N, 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 utility easement to be vacated and released

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

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

Dated this 15<sup>th</sup> day of October, 2001.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 30. No. IDPF011002 - Direct staff to prepare a proposal on a Tax Increment District for the Fifth Street project for review by the Tax Increment Finance Committee.
- 31. No. PW101001-13 – Authorize Staff to Advertise for Bids for WRF01-1152, Security Fencing for Water Reclamation Facility.

**Legal & Finance Committee**

- 32. LF101001-01 - Authorize Mayor and Finance Officer to sign Maintenance and Support Agreement with Motorola, Inc.
- 33. LF101001-02 - Authorize staff to advertise a Request for Proposals for the GIS/IMS Master Plan Update.
- 34. LF101001-03 - Approve Revised Beautification Committee Bylaws.
- 35. 01TP010 - Authorize Mayor and Finance Officer to sign a Professional Services Agreement between Interstate Engineering Inc. (formerly TranSystems, Inc.) and the City of Rapid City to complete a Travel Demand Forecasting Model Update for an amount not to exceed \$99,955.

36. 01TP011 - Authorize Mayor and Finance Officer to sign a Professional Services Agreement between Felsburg, Holt and Ullevig and the City of Rapid City to complete the Jackson Boulevard Extension Study for an amount not to exceed \$106,938.
37. LF101001-04 - Approve Annual Steering Committee retreat expenses in the amount of \$526.06.
38. LF101001-05 - Authorize lease of a copier from Dakota Business at a cost of \$164.06 per month (Includes 1,500 Copies) for the Weed & Seed Program.
39. Accept recommendation from the Civic Center Management Options Task Force to continue with the current form of management at the Civic Center.
40. LF101001-06 - Set for Hearing on November 5, 2001, Issuance of Bond to Finance a Project for The Evangelical Lutheran Good Samaritan Society.
41. LF101001-08 - Authorize Mayor and Finance Officer to sign Financing Agreement among City of Rapid City and The Evangelical Lutheran Good Samaritan Society and Wells Fargo Brokerage Services, LLC.
42. Approve Travel Request for Jason Green to attend Government Civil Practice Seminar in Tucson, Arizona, from 12/1/01 through 12/06/01 in the amount of \$1,763.
43. Approve the Following Licenses: Mechanical Apprentice: Russell Timms, James Lewis Wenzlick; Mechanical Installer: Russell A. Antoine; Plumbing Apprentice: David Bartling; Residential Contractor: MTB Construction Co., Michael T. Benson.

End of Consent Calendar

### ***Public Hearing***

This was the time set for hearing on the request by **Western Wireless Corporation** to enter into a lease for property. Motion was made by Steinburg, seconded by Waugh and carried to continue this hearing until November 5, 2001.

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

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

45. 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 NOVEMBER 5, 2001)
46. 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 NOVEMBER 5, 2001)
47. No. 01PL038 - A request by Dream Design International for a **Preliminary and Final Plat** on Lot 1 of Lamb Subdivision located in SE1/4 of NE1/4 of Section 15, T1N, R8E, BHM, Pennington County, South Dakota, located at the southwest corner of Reservoir Road and S.D. Highway 44. (CONTINUE TO NOVEMBER 19, 2001)

48. 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 NOVEMBER 5, 2001)
49. 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 NOVEMBER 5, 2001)
50. 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 west of S. Highway 79, north of Minnesota Street. (CONTINUE TO NOVEMBER 5, 2001)
51. 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, Township 1 North, Range 8 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of Sydney Drive and S.D. Highway 79. (CONTINUE TO NOVEMBER 19, 2001)
52. 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. (CONTINUE TO NOVEMBER 19, 2001)
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 NOVEMBER 5, 2001)
54. 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 DECEMBER 3, 2001)
55. 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. (CONTINUE TO NOVEMBER 5, 2001)

56. 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 NOVEMBER 5, 2001)
57. 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 NOVEMBER 5, 2001)
58. 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 NOVEMBER 5, 2001)
59. No. 01PL098 - A request by Doug Sperlich for Jeff Stone for a **Layout Plat** on Lots 1, 2 and 3 of Block 1, Sunset Heights Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Broadmoor Drive. (APPROVE THE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1) Prior to Preliminary Plat approval by the Planning Commission, detailed grading information relating to drainage improvements shall be submitted for review and approval; 2) Prior to Preliminary Plat approval by the Planning Commission, a detailed drainage plan in accordance with the Arrowhead Drainage Basin Plan shall be submitted for review and approval; 3) Prior to Preliminary Plat approval by the Planning Commission, the applicant shall direct all storm water run off from the developmental portion Lot 3 to the northeast through the existing off-site major drainage easement. All additional run off from the developmental portion Lots 1 and 2 shall be directed to the west on Broadmoor Drive and the applicant must obtain permission from the Broadmoor Home Owners Association to allow additional storm water drainage on Broadmoor Drive. No additional drainage flows shall occur onto Sheridan Lake Drive; 4) Prior to Preliminary Plat approval by the Planning Commission, engineering plans shall be submitted showing the connection to the City sanitary sewer system; 5) Prior to Preliminary Plat approval by the Planning Commission, a special exception to the Street Design Criteria Manual to allow a street to have over 12% grades shall be obtained; 6) Prior to Preliminary Plat approval by the Planning Commission, the petitioner shall provide a geotechnical evaluation for the subject property; 7) Prior to Preliminary Plat approval by the Planning Commission, the street plans submitted by the petitioner shall identify a minimum easement width of 52 feet and a minimum cul-de-sac bulb diameter of 110 feet;

- 8) Prior to Preliminary Plat approval by the Planning Commission, the petitioner shall provide a calculation for the street pavement design prepared by a Professional Engineer; 9) Prior to Preliminary Plat approval by the Planning Commission, a site plan showing all locations of the proposed fire hydrants shall be submitted for review and approval; 10) Prior to Preliminary Plat approval by the Planning Commission, the applicant shall submit a wild land fuel management plan; 11) Prior to Preliminary Plat approval by the Planning Commission, the applicant shall include in the engineering plans an intermediate turn-around at the current terminus of Broadmoor Drive; 12) In association with the Preliminary Plat, the applicant shall request and obtain a Special Exception to the Street Design Criteria Manual to allow a cul-de-sac longer than 500 feet; 13) Prior to Final Plat approval by the City Council, the applicant shall submit an access agreement and road maintenance agreement for Broadmoor Drive; 14) In association with the Preliminary Plat, the applicant shall request and obtain a Special Exception to the Street Design Criteria Manual to allow 40 dwelling units with a single access; and, 15) Prior to Final Plat approval by the City Council, surety shall be posted for any subdivision improvements that have not been completed and any subdivision inspection fee shall be paid.
60. No. 01PL099 - A request by Doug Sperlich for Walgar Development Corp for a **Layout, Preliminary and Final Plat** on Lot 1 of Block 1, Terracita Park Subdivision, and Minnesota Street Right-of-Way (formerly a portion of the SW1/4 of the NW1/4 of the SE1/4 of Section 13) located in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Fifth Street and Minnesota Street. (CONTINUE TO NOVEMBER 5, 2001)
61. No. 01PL100 - A request by Doug Sperlich for Gary Rasmusson for a **Preliminary and Final Plat** on Lot 10R and Lot 11R of Block 2, Country Club Heights No. 2 (formerly Lot 10 and Lot 11 of Block 2, Country Club Heights No. 2) located in the SE1/4 of the SE1/4 Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3302 and 3220 Hogan Court. (DENY WITHOUT PREJUDICE)

End of Planning Consent Calendar

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

The Mayor presented No. 01CA020, a request by Dream Design International, Inc. for an **Amendment to the South Robbinsdale Neighborhood Area Future Land Use Plan, an element of the Comprehensive Plan** to change the future land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N88°35'39"W along said northerly right of way line, 50.86 feet to the true point of beginning; Thence N88°35'39"W along said northerly right-of-way line, 350 feet; Thence departing said right of way N1°24'21"E 275 feet; Thence S88°35'39"E 346.06 feet to where said line intersects the westerly right of way of proposed Fifth Street; Thence S00°45'07"W 274.85 feet more or less to the point of beginning containing 2.20 acres more or less; from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development on a parcel of land located in the

NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N88°35'39"W along the northerly right of way of said Catron Boulevard 400.86 feet this being the point of beginning; Thence N88°35'39"W along said northerly right of way 919.13 feet; Thence departing said northerly right of way line N1°24'21"E 275 feet; Thence S88°35'39"E 919.13 feet; Thence S1°24'21"W 275 feet to the point of beginning containing 5.80 acres more or less; from Planned Residential Development with a maximum density of 6.7 dwelling units per acre to General Commercial with a Planned Commercial Development on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N88°35'39"W along the northerly right of way of said Catron Boulevard 1320 feet to where said right of way meets the north south 1/16 line of the SE1/4 of said Section 24 this being the true point of beginning; thence along the said right of way N88°35'39"W 439.87 feet; Thence departing the north right of way N01°24'21"E 1245 feet to a point lying on the east west 1/16 line; Thence S88°35'39"E along said 1/16 line 677.62 feet; Thence departing said 1/16 line S02°11'17"W 154.18 feet; Thence S82°36'49"E 303.17 feet; Thence S43°24'30"E 405.16 feet; Thence S49°37'01"E 52.92 feet to a point on a curve with a radius of 567 feet; thence along said curve to the right an arc length of 258.44 feet with a chord bearing of S30°36'54"E 256.21 feet Thence S1°24'21"W 244.35 feet; Thence N88°35'39"W 919.13 feet to a point on the north south 1/16 line; Thence S01°24'21"W 275 feet along said 1/16 line to the point of beginning containing 28.28 acres more or less; and, from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N00°45'07"E 274.85 feet this being the true point of beginning; Thence N88°35'39"W 348.88 feet; Thence N1°24'21"E 244.35 feet to where it intersects a curve with a radius of 567 feet; thence along said curve to the left an arc length of 258.44 feet and a chord bearing of N30°36'54"W 256.21 feet; Thence N49°37'01"E 350.36 feet to where said line intersects the south westerly right of way of proposed Fifth Street a curve with a radius of 917 feet; Thence along said curve to the right an arc length of 438 feet with a chord bearing of S28°44'00"E 433.85 feet; Thence S00°45'07"W along said proposed Fifth Street right of way 319.88 feet to the point of beginning containing 5.03 acres more or less, located north of Catron Boulevard lying adjacent to the future right-of-way line of Fifth Street and Parkview Drive. Motion was made by Kroeger, seconded by Hanks and carried to deny this item without prejudice.

The Mayor presented No. 01CA021, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Comprehensive Plan Amendment - South Robbinsdale Neighborhood Area Future Land Use Plan** to change the future land use designation from Planned Residential Development with a maximum density of 6.7 dwelling units per acre to Mobile Home Park located in a portion of the E1/2 of the SW1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota; from Planned Residential Development with a maximum density of 6.7 dwelling units per acre and Medium Density Residential with a Planned Residential Development to General Commercial located in a portion of the SE1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota; from Planned Residential Development with a maximum density of 6.7 dwelling units per acre, General Commercial with a Planned Commercial Development and Medium Density Residential with a Planned Residential Development to Office

Commercial located in the North 900 feet of the SE1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota; from General Commercial with a Planned Commercial Development, Park Site with alternative use of Mobile Home Residential and Office Commercial with a Planned Commercial Development to General Commercial located in the North 900 feet of the W1/2 of the SW1/4 of Section 19, T1N, R8E, BHM, Pennington County, South Dakota; from Office Commercial with a Planned Commercial Development and Park Site with alternative use of Mobile Home Residential to Light Industrial located in the South 420 feet of the NW1/4 of the SW1/4 and the SW1/4 SW1/4 of Section 19, T1N, R8E, BHM, Pennington County, South Dakota; from General Commercial with a Planned Commercial Development and Office Commercial with a Planned Commercial Development to General Commercial located in a portion of the SW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; from Office Commercial with a Planned Commercial Development, Medium Density Residential, and Planned Residential Development with a maximum density of 6.7 dwelling units per acre to Office Commercial located in a portion of the N1/2 of the SW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; from Low Density Residential and Planned Residential Development with a maximum density of 6.7 dwelling units per acre to Medium Density Residential located in a portion of the W1/2 of the S1/2 of the NW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, from Medium Density Residential to Low Density Residential located in the E1/2 of the N1/2 of the NW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north and west of the Rapid City Landfill. Motion was made by Kroeger, seconded by Steinburg and carried to deny this item without prejudice.

The Mayor presented No. 01CA031, a request by Theresa Bennington for an **Amendment to the Comprehensive Plan revising the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on a 37.20 acre parcel from General Commercial to Heavy Industrial** on NW1/4 SE1/4 SW1/4 Section 32, T2N, R8E; east 613 feet of the north 511 feet of the SW1/4 SW1/4 Section 32, T2N, R8E; E1/2 SE1/4 SW1/4 Section 32, T2N, R8E all located in BHM, Pennington County, South Dakota, located at the western terminus of East Philadelphia Street. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until November 5, 2001.

The Mayor presented No. 01CA032, a request by Wyss Associates for W.E.B. Partners for an **Amendment to the Comprehensive Plan to change the future land use designation on a 3.202 acre parcel from Office Commercial to General Commercial** 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. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until November 5, 2001.

The Mayor presented No. 01PD042, a request by Dream Design International, Inc. for a **Planned Development Designation** on the following property: A parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence

N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard this being the true point of beginning; Thence N88°35'39"W along said northerly right of way line, 1759.87 feet; Thence departing said northerly right of way line N01°24'21"E 1245 feet to a point lying on the 1/16 line; Thence S88°35'39"E, along said 1/16 line, 677.62 feet Thence departing said 1/16 line S02°11'17"W 154.18 feet; Thence S82°36'49"E 303.17 feet; Thence S43°24'43"E 155.36 feet; Thence N43°40'53"E 361.7 feet to where the line intersects the north easterly right of way of proposed Fifth Street; Thence along this said right of way on a curve to the right with a radius of 1017 feet and an arc length of 660.71 feet and a chord bearing of S40°04'31"E 649.15 feet to where said right of way meets the east section line of said Section 24; Thence S01°24'21"W 730.34 feet along said section line to the point of beginning containing 45.5 acres more or less, and a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 730.34 feet to the true point of beginning; said point is lying on the easterly right-of-way line of future Fifth Street; said point is lying on a curve with a radius of 1017 feet; Thence along said curve to the left an arc length of 660.71 feet with a chord bearing of N40°04'31"W 649.15 feet to a point lying on the right of way of future Parkview Drive; Thence N45°40'53"E 626.68 feet along said right of way of future Parkview Drive to a point on the east line of said Section 24; Thence S01°24'21"W 945.13 feet along said section line to the point of beginning containing 4.07 acres more or less, located north of Catron Boulevard and adjacent to the future right-of-way line of Fifth Street and Parkview Drive. Motion was made by Kroeger, seconded by Steinburg and carried to deny this item without prejudice.

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 Steinburg and carried to continue this item until November 5, 2001.

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 Kroeger and carried to continue this item until November 5, 2001.

The Mayor presented 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. Motion was made by Kroeger, seconded by Kroeger and carried to continue this item until November 5, 2001.

The Mayor presented 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. Motion was made by Kroeger, seconded by Kroeger and carried to continue this item until November 5, 2001.

The Mayor presented 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. Motion was made by Kroeger, seconded by Steinburg and carried to approve the PCD with the following stipulations: 1) Prior to City Council approval, revised as-built plans certified by a Professional Engineer for the existing retaining wall located along the front of the lot shall be submitted for review and approval identifying substantial conformance to the approved plans; 2) Prior to issuance of a building permit, design plans for the proposed retaining wall(s) located along the east side of the parking lot shall be submitted for review and approval; 3) Prior to City Council approval, a final geotechnical evaluation report for the western retaining wall shall be submitted for review and approval. The report shall include information as required by Unified Building Code Section 3318.1, "Final Reports" which in part, requires the submission of supporting data, comments on any changes made during grading and their effects, and a statement that to the best of the geotechnical engineer's knowledge, the work is in accordance with the approved engineering report and applicable provisions of this chapter; 4) Prior to City Council approval, a final grading plan for the proposed infra-structure improvements shall be submitted for review and approval; 5) Prior to City Council approval, additional drainage information shall be submitted for review and approval. Specifically, profiles for the hydraulic gradelines for the inlets shall be submitted for review and approval; 6) The pavement design shall meet or exceed the requirements of Ordinance 1976; 7) Prior to issuance of a Certificate of Occupancy, areas of the alley disturbed by construction shall be reclaimed and stabilized; 8) All Uniform Fire Codes shall be met; 9) Prior to issuance of a sign permit, a variance to allow the proposed sign(s) shall be obtained from the Sign Board; 10) A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy; 11) The proposed structure shall conform architecturally to the plans and elevations submitted as part of this Planned Commercial Development; 12) All signage shall conform to the design and location as shown in the sign package submitted as part of this Planned Commercial Development and as approved by the Sign Board; 13) A minimum of 34,262 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary; 14) A minimum of 35 parking spaces shall be provided with two (2) handicap accessible spaces. One of the handicap spaces shall be "van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met; 15) The proposed building shall be used for office(s). Any other use shall require a Major Amendment to the Planned Commercial Development; and, 16) The Planned Commercial 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. 01SV024, a request by Dream Design International for a **Variance to the Subdivision Regulations to waive the requirement for curb, gutter, street light conduit, sidewalk, dry sewer and water on Reservoir Road and S.D. Highway 44** on Lot 1 of Lamb Subdivision, Section 15, T1N, R8E, BHM, Pennington County, South Dakota, located at the southwest corner of the intersection of Reservoir Road and S.D. Highway 44. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until November 19, 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 Steinburg and carried to continue this item until November 5, 2001.

The Mayor presented No. 01TI004, a request by City of Rapid City for a **Resolution Creating Tax Increment District No. 32** on Lots 1-11, Block 1, Lots 1-19, Block 2, Lots 1-3, Block 3, Lot 1, Block 4, Lot 1, Block 5, Outlot 1, and dedicated streets, all in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1, 2, 3A, 3B, 4A, and 4B, Block 6, Red Rock Estates Phase 1A, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 4-16, Block 3, Lot 2 and Lot 3, Block 4, Lots 1-6, Block 7, Lots 1-3, Block 8, all in Red Rock Estates Phase 2, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Outlot A of Tract A, Countryside Sub, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Well Lot, and Balance of Picardi Ranch Road, and Balance of Tract 1 (Less Red Rock Estates and Less ROW), all in Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted E1/2 NW1/4 NE1/4 less Red Ridge Ranch and ROW, SW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates, less Red Rock Estate Phase 1A, and Less Row, E1/2 NW1/4 less Red Rock Estates and Less ROW, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted N1/2 NW1/4 SW1/4 less Red Rock Estates and less Countryside Sub; N1/2 NE1/4 SW1/4 less Red Rock Estates & Less Countryside Sub; E1/2 NE1/4, and W1/2 NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of the intersection of Sheridan Lake Road and Muirfield Drive. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until November 5, 2001.

The Mayor presented No. 01TI005, a request by City of Rapid City for a **Tax Increment District No. 32 Project Plan** on Lots 1-11, Block 1, Lots 1-19, Block 2, Lots 1-3, Block 3, Lot 1, Block 4, Lot 1, Block 5, Outlot 1, and dedicated streets, all in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1, 2, 3A, 3B, 4A, and 4B, Block 6, Red Rock Estates Phase 1A, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 4-16, Block 3, Lot 2 and Lot 3, Block 4, Lots 1-6, Block 7, Lots 1-3, Block 8, all in Red Rock Estates Phase 2, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Outlot A of Tract A, Countryside Sub, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Well Lot, and Balance of Picardi Ranch Road, and Balance of Tract 1 (Less Red Rock Estates and Less ROW), all in Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted E1/2 NW1/4 NE1/4 less Red Ridge Ranch and ROW, SW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates, less Red Rock Estate Phase 1A, and Less Row, E1/2 NW1/4 less Red Rock Estates and Less ROW, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted N1/2 NW1/4 SW1/4 less Red Rock Estates and less Countryside Sub; N1/2 NE1/4 SW1/4 less Red Rock Estates & Less Countryside Sub; E1/2 NE1/4, and W1/2 NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of the intersection of Sheridan Lake Road and Muirfield Drive. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until November 5, 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 Steinburg and carried to continue this item until November 5, 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 Steinburg and carried to continue this item until November 5, 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. Containing 6.90 Acres more or less, located north of Golden Eagle Drive and adjacent to old Marine Life. Motion was made by Kroeger, seconded by Hanks and carried to approve the requested Use on Review with the following stipulations: 1) Prior to issuance of a Building Permit, a detailed geotechnical study shall be submitted for review and approval; 2) A Building Permit shall be obtained prior to any construction; 3) Prior to issuance of a Building Permit, three sets of Architectural/Engineer stamped plans shall be provided for review and approval; 4) A Certificate of Completion shall be obtained prior to any use of the tower; 5) The tower shall be designed to allow for the co-location of a minimum of two additional antennas (for a total of three antennae) except where the additional antennas would interfere or impact the applicant's proposed antenna(s); 6) The tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority and that red strobe lighting will be utilized if lighting is required; 7) The tower shall remain unpainted allowing the galvanized steel color to show or painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority; 8) Prior to issuance of a Building Permit, the section line highway right-of-way shall be vacated or the applicant shall obtain a variance to allow structures within the required side yard setback; 9) No commercial advertising signage shall be allowed on the tower; 10) That all requirements of the Off-Street Parking Ordinance shall be continually met; and, 11) The Use on Review 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.

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 Hanks and carried to continue this item until November 5, 2001.

The Mayor presented 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. Motion was made by Kroeger and seconded by Johnson to deny this application without prejudice. Kevin Galik stated that the applicant has complied with all the requirements of the zoning ordinance and he requested that the Council approve the application. The tower will be landscaped and will have no lights. The proposed location is zoned general commercial and there is a casino on the property at this time. He submitted slides showing the location and a picture of the proposed tower. Ralph Langefeld stated that the members of this west Rapid City neighborhood are opposed to the tower being in this location. Carol Merwin, Mark Meyer, Shirley Pester and Catherine Langefeld also spoke against the location of this tower in the residential neighborhood. Upon vote being taken, the motion to deny without prejudice carried unanimously.

The Mayor presented 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. Motion was made by Kroeger, seconded by Steinburg and carried to approve the requested Use on Review with the following stipulations: 1) That the attachment of antenna to an existing tower does not require a Building Permit but work must be performed per design requirements; 2) The tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority and that red strobe lighting will be utilized if lighting is required; 3) That a six foot fence shall be installed surrounding the tower within 30 days of installation of the antenna; 4) Prior to City Council approval, a revised site plan shall be submitted identifying the parking and circulation easement as a tower access easement; 5) The tower shall remain unpainted allowing the galvanized steel color to show or painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority; 6) No commercial advertising signage shall be allowed on the tower; 7) That all requirements of the Off-Street Parking Ordinance shall be continually met; and, 8) The Use on Review 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.

The Mayor presented 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. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until November 5, 2001.

**Ordinances & Resolutions**

The Mayor presented No. 01AN017, a request by Pennington County for a **Petition for Annexation** of property located northeast of the intersection of Deadwood Avenue and Interstate 90. The following Resolution was introduced, read and Hadley moved its adoption:

**A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY**

WHEREAS a petition signed by not less than three-fourths of the legal voters and by the owners of not less than three-fourths in value of the within described territory, contiguous to the City of Rapid City, has been filed with the City of Rapid City; and,

WHEREAS the City Council of the City of Rapid City deems it for the best interest of the city that the within described territory be included within the corporate limits of the City and annexed thereto,

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory is hereby included within the corporate limits of the City and annexed thereto:

1548.92 feet of the 100 foot wide Lange Road right-of-way adjacent and parallel to the north side of Interstate 90 along Lot B of W1/2 SW1/4 including Lot Z, and along R & L Subdivision Lots 1 and 2 and 3, all located in Section 22, T2N, R7E, BHM, Pennington County, South Dakota, containing 3.56 acres, more or less.

Dated this 15th 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 Steinburg. 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. 01AN018, a request by South Dakota Department of Transportation for a **Petition for Annexation** along U.S. Interstate 90 from Deadwood Avenue eastward through Sections 21, 22 and 27.

**A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY**

WHEREAS a petition signed by not less than three-fourths of the legal voters and by the owners of not less than three-fourths in value of the within described territory, contiguous to the City of Rapid City, has been filed with the City of Rapid City; and,

WHEREAS the City Council of the City of Rapid City deems it for the best interest of the city that the within described territory be included within the corporate limits of the City and annexed thereto,

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory is hereby included within the corporate limits of the City and annexed thereto:

U.S. Interstate 90 and right-of-way from Deadwood Avenue eastward, all located within Sections 21, 22 and 27, T2N, R7E, BHM, Pennington County, South Dakota, including: Lot H1 NE1/4 SE1/4, Lot H1 SE1/4 SE1/4, all located in Section 21, T2N, R7E, BHM, Pennington County, South Dakota, and Lot H1, Lot H1 of Lot Y of Lot H2, Lot H1 of Lot X of Lot H2, all located in SW1/4 of Section 22, T2N, R7E, BHM, Pennington County, South Dakota, and Lot H1 W1/2 NW1/4 and NE1/4 NW1/4, and Lot H1 NE1/4, all located in Section 27, T2N, R7E, BHM, Pennington County, South Dakota, containing 71.862 acres, more or less.

Dated this 15th 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 Steinburg. 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. 01RZ042, second reading of **Ordinance 3710**, a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on the following property: A parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard this being the true point of beginning; Thence N88°35'39"W along said northerly right of way line, 1759.87 feet; Thence departing said northerly right of way line N01°24'21"E 1245 feet to a point lying on the 1/16 line; Thence S88°35'39"E, along said 1/16 line, 677.62 feet Thence departing said 1/16 line S02°11'17"W 154.18 feet; Thence S82°36'49"E 303.17 feet; Thence S43°24'43"E 155.36 feet; Thence N43°40'53"E 361.7 feet to where the line intersects the north easterly right of way of proposed Fifth Street; Thence along this said right of way on a curve to the right with a radius of 1017 feet and an arc length of 660.71 feet and a chord bearing of S40°04'31"E 649.15 feet to where said right of way meets the east section line of said Section 24; Thence S01°24'21"W 730.34 feet along said section line to the point of beginning containing 45.5 acres more or less, and a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 730.34 feet to the true point of beginning; said point is lying on the easterly right-of-way line of future Fifth Street; said point is lying on a curve with a radius of 1017 feet; Thence along said curve to the left an arc length of 660.71 feet with a chord bearing of N40°04'31"W 649.15 feet to a point lying on the right of way of future Parkview Drive; Thence N45°40'53"E 626.68 feet along said right of way of future Parkview Drive to a point on the east line of said Section 24; Thence S01°24'21"W 945.13 feet along said section line to the point of beginning containing 4.07 acres more or less, located north of Catron Boulevard and adjacent to the future

right-of-way line of Fifth Street and Parkview Drive. Motion was made by Hadley, seconded by Steinburg and carried to deny second reading without prejudice.

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 hearing until November 5, 2001.

The Mayor presented No. 01RZ054, second reading of **Ordinance 3738**, 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: 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. Motion was made by Hadley, seconded by Johnson and carried to continue this hearing until November 5, 2001.

**Ordinance 3740** (No. LF101001) 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, having passed the first reading on October 1, 2001, it was moved by Johnson and seconded by Murphy that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger and Dreyer; NO: Hadley and Kriebel; whereupon the Mayor declared the motion passed and Ordinance 3740 was declared duly passed upon its second reading.

**Ordinance 3741** (No. LF101001-11), entitled An Ordinance Amending Chapter 13.04 by Adding Section 13.04.095 and Amending Chapter 13.08 by Adding Section 13.08.365 of the Rapid City Municipal Code Pertaining to Supplemental Tap Fees, was introduced. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3741 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 5, 2001.

**Ordinance 3742** (No. LF101001-07) entitled An Ordinance Authorizing the Issuance and Sale of \$9,000,000 Principal Amount of the City of Rapid City, South Dakota, Health Care Facilities Revenue Bond (The Evangelical Lutheran Good Samaritan Society Project), Series 2001; Ratifying Certain Actions Heretofore Taken; Authorizing the Execution and Delivery by the City of a Financing Agreement, Closing Documents and Such Bond in Connection Therewith; Approving the Form of Certain Ancillary Documents; and Repealing Any Action Heretofore Taken in Conflict Herewith, was introduced. Upon motion made by Hadley, seconded by Johnson and carried, Ordinance 3742 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 5, 2001.

**Ordinance 3743** (No. 01OA016) entitled An Ordinance Amending Sections 17.50.050, 17.50.060, 17.50.070, 17.50.080, 17.50.090, 17.50.100, and 17.50.105 of Chapter 17.50 of the Rapid City Municipal Code to revise various requirements pertaining to Planned Developments including but not limited to: clarifying various notification

requirements regarding Initial and Final Development Plan applications, eliminating the requirement to record approved Planned Developments with the Register of Deeds, further defining actions which trigger a Major or Minimal Amendment to an approved Planned Development, and eliminating the minimum size requirements for all types of Planned Developments, was introduced. Upon motion made by Hadley, seconded by Johnson and carried, Ordinance 3743 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 5, 2001.

**Ordinance 3744** (No. 01OA018) entitled An Ordinance Amending Chapters 17.08, 17.10, 17.12, 17.14, 17.18, 17.20, 17.22, 17.24, 17.28, 17.30, 17.32, 17.34, 17.36, 17.38, 17.40, 17.42, 17.44, 17.46, 17.48 and 17.56 of the Rapid City Municipal Code by establishing new subsections pertaining to required building setbacks from section lines in the Park Forest, Low Density Residential –1, Medium Density Residential, High Density Residential, General Commercial, Neighborhood Commercial, Light Industrial, Heavy Industrial, Flood Hazard, Shopping Center – 1, Shopping Center –2, General Agricultural, Hotel-Motel, Mobile Home Residential, Office Commercial, Mining and Earth Extraction, Low Density Residential – 2, Public, Civic Center, and Business Park Zoning Districts, was introduced. Upon motion made by Hadley, seconded by Johnson and carried, Ordinance 3744 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 5, 2001.

**Ordinance 3746**, (No. 01RZ057) a request by Dream Design International, Inc. for a Rezoning from General Agriculture District to Low Density Residential District on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Enchanted Pines Drive, was introduced. Upon motion made by Hadley, seconded by Johnson and carried, Ordinance 3746 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 5, 2001.

First Reading, **Ordinance 3747**, entitled An Ordinance Amending Sections 15.28.100, 15.28.110, and 15.28.120 of Chapter 15.28 of the Rapid City Municipal Code, Relating to the Enforcement of the Sign Code, Removal of Signs, and Decisions of the Sign Code Board of Appeals, was introduced. Upon motion made by Hadley, seconded by Johnson and carried, Ordinance 3747 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 5, 2001.

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

Motion was made by Kroeger and seconded by Murphy to authorize the Mayor and Finance Officer to sign a Professional Service Agreement with RESPEC, Inc. for WRF01-1149, Water Reclamation Facility Remediation Plan and Groundwater Monitoring Plan Revision for an amount not to exceed \$19,980 (No. PW101001-09). Upon vote being taken, the motion carried with Johnson voting no.

Motion was made by Kroeger and seconded by Hadley to direct staff to pursue any funding available through State, Federal or other agencies which could be used to **purchase the Caldwell property** located on Cambell Street in the floodway, and direct staff to begin negotiations with Mr. Caldwell relative to the sale of the property. Johnson spoke against the motion stating that he feels the Council made a mistake when it approved the variance for this property. Roll call vote was taken: AYE: Hadley, Murphy, Rodriguez, Dreyer, Hanks, Waugh and Kriebel; NO: Johnson, Kroeger and Steinburg. Motion carried, 7-3.

Motion was made by Kroeger and seconded by Steinburg to allow the retaining wall and driveway on Cedar Drive to remain in the **public right-of-way** and require Jim Steele to sign a Waiver of Right to Protest should the City require the removal of these structures in the future. Asst. City Attorney Adam Altman suggested that the city enter into an Agreement with Jim Steele relative to this issue rather than require a Waiver of Right To Protest Agreement. The agreement would be recorded at the Register of Deeds Office and would indicate that Mr. Steele and his successors agree and assent to remove the retaining wall upon notice from the City. Jim Steele stated that this driveway and retaining wall have been in this location for over 22 years. When they were installed, there was no permit requirement. Steele agreed that it should be removed at the owners expense, but he asked what reasons the City would have for demanding its removal. City Attorney Pier stated that the property in question is City right-of-way and the City could ask for removal of the obstructions at any time, for any reason. Altman added that Mr. Steele is currently under an Order to remove the obstructions. **Substitute motion** was made by Hanks and seconded by Kroeger to direct staff to draft an agreement that would take care of this issue. Upon vote being taken, the motion carried unanimously.

### **Finance Officer**

Preston reported that **Referendum Petitions** were submitted relative to Ordinances 3732 and 3735 and funding for the Journey Museum. A written Affidavit has been filed by Al Cornella requesting that the signatures on the petitions be verified. Preston noted that City staff has started this process but it has not been completed. He will report the findings to the council when the verification is complete. Motion was made by Johnson, seconded by Waugh and carried to set a special council meeting for Friday, October 19, 2001 at 5:00 P.M. relative to this issue.

### **Bills**

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

Payroll Ending 10-06, Paid 10-12-01	529,537.41
Payroll Ending 10-06, Paid 10-12-01	3,549.80
Pioneer Bank, 10-12 taxes, Paid 10-12-01	137,101.13
Pioneer Bank, 10-12 taxes, Paid 10-12-01	267.01
First American Administrators, 10-01 claims, paid 10-03-01	76,337.36
First American Administrators, 10-08 claims, paid 10-10-01	74,412.70
Berkley Administrators, September claims, paid 10-03-01	35,456.22
Sirchie Fingerprint Lab, mobile surveillance platform	107,469.00
US Postmaster, postage	1,500.00
Computer Bill List	3,549,649.61
Subtotal	<u>\$4,515,280.24</u>
Payroll Ending 10-06, Paid 10-12-01	2,447.68
Pioneer Bank, 10-12 taxes, Paid 10-12-01	182.58
City of Rapid City, postage	12.35
City of Rapid City, health insurance	560.40
SD Retirement System, pension	212.60
Standard Life, insurance	7.92
Total	<u>\$4,518,703.77</u>

Treasurer's Checks

Heavy Constructors	664.25
Heavy Constructors	19,090.27
Hills Materials	<u>7,267.30</u>
Total	\$4,545,725.59

***Police Department***

Motion was made by Waugh, seconded by Murphy and carried to approve No. CC101501-02 – Event Permit for **Veterans Day Parade** to be held on November 11, 2001.

As there was no further business to come before the Council at this time, the meeting adjourned at 9:00 P.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_

Mayor

\_\_\_\_\_

Finance Officer

(SEAL)