

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

April 15, 2002

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, April 15, 2002 at 7:00 P.M.

Mayor Jerry Munson, Finance Officer Jim Preston, and the following Alderpersons were present: Alan Hanks, Tom Johnson, Babe Steinburg, Tom Murphy, Bill Waugh, Martha Rodriguez, 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 Hadley and carried to **approve the minutes** of April 1 and April 10, 2002.

***Bid Openings***

Hanks noted that bids for the Fire Station Project were opened on April 11th and came in approximately \$115,000 over budget. Before the bids can be awarded, funding for the project must be identified. The following Resolution was introduced, read and Hanks moved its adoption:

A RESOLUTION AMENDING THE PLAN FOR PROJECTS AND PROGRAMS TO  
BE FUNDED FROM THE RAPID CITY ECONOMIC DEVELOPMENT AND CIVIC  
IMPROVEMENTS FUND

WHEREAS on the 17th day of April, 2000, the City of Rapid City adopted a resolution entitled "A Resolution Adopting a Plan for Projects to be Funded from the Rapid City Economic Development and Civic Improvements Fund;" and

WHEREAS the Council has determined that time is of the essence and that the necessity of moving the project forward constitutes an emergency; and

WHEREAS the Council has determined to make the following amendments to said plan;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Rapid City Economic Development and Civic Improvements Plan as adopted by the City on April 17, 2000, be amended as follows:

1. Highway 16 Fire Station: Funding in the year 2002 in the amount of \$1,086,463.
2. Infrastructure: Funding in the year 2002 in the amount of \$1,885,000.

Dated this 15th day of April, 2002.

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 Dreyer. 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 following bids for Fire Station No. 6 Project FD02-870 were opened on April 11, 2002:

1)	Heavy Constructors (bond submitted)	\$ 979,300.00
2)	First Dakota Enterprises, Inc. (bond submitted)	\$1,045,000.00
3)	Scull Construction (bond submitted)	\$ 987,200.00
4)	Dean Kurtz Construction (bond submitted)	\$ 966,850.00
5)	Seco Construction (bond submitted)	\$1,017,017.00
60)	Corner Construction (bond submitted)	\$1,041,600.00

Staff has reviewed the bids and recommends award to Dean Kurtz Construction. Motion was made by Steinburg, seconded by Hanks and carried to award the bid for FD02-870 to Dean Kurtz Construction, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$966,850.

The following bids for **Tree Removal** on city-owned property were opened on April 15, 2002:

	<u>Area I</u>	<u>Area II</u>	<u>Area III</u>
1. Plum Creek	\$7,600.00	\$3,600.00	\$5,100.00
2 Simpson Landscaping	\$6,600.00	\$6,000.00	\$7,450.00
3. Zandstra Construction Inc	\$ 900.00	\$ 900.00	\$8,900.00
4. Johnson Tree Company	\$5,280.00	\$2,365.00	\$2,268.00
5. Heartland Resorts LLC	\$5,089.00	\$1,098.00	\$5,501.00

Staff has reviewed the bids and recommends award to the high bidder for each area. Hanks abstained from discussion or voting on this item. Motion was made by Waugh, seconded by Steinburg and carried award the bid for tree removal in Area 1 to Plum Creek, the highest responsible bidder, in the total contract amount of \$7,600. (Hanks abstained.)

Motion was made by Waugh, seconded by Steinburg and carried to award the bid for tree removal in Area II to Simpson Landscaping, the highest bidder, in the total contract amount of \$6,000. (Hanks abstained.)

Motion was made by Steinburg, seconded by Waugh and carried to award the bid for tree removal in Area III to Zandstra Construction, Inc., the highest bidder, in the total contract amount of \$8,900. (Hanks abstained.)

**Mayor's Items**

Mayor Munson accepted a check from State Farm Insurance Company in the amount of \$20,000 to be used for an **intersection safety study** to be done in the community. Public Works Director Dan Bjerke explained that this funding will be used for a study of the intersection at Fifth and Omaha Streets. This intersection has been identified as one of the most dangerous in the state. The study will allow the City to put design features into the intersection and make it safer when it is reconstructed in 2003.

Munson presented the **Veteran of the Month Award** to Dr. Richard Porter and commended him for outstanding service to the country.

Munson read a statement proclaiming the week of April 14-20 as **National Library Week**. Library Director Greta Chapman informed the Council that a grand opening has tentatively been scheduled for July 11th to open the new expansion to the Rapid City Public Library.

Munson presented a Certificate of Recognition to Doreen Ragnone and commended her for outstanding service to the community for 23 years. Also receiving a Certificate of Recognition was Ray Schott for 25 years of service.

### ***Special Items***

Janice Wilson appeared before the City Council to appeal the Police Chief's denial of her application for a **security license**. The reasons given for denial were based on past criminal record, but Wilson stated that this information is four years old. Since that time, she has not had any issues with the Police Department. Chief Tieszen reviewed the record of the applicant and noted that there was another incident where the applicant is a suspect. This incident has not been resolved. The applicant has shown very aggressive behavior and was not willing to take a polygraph test relative to the unresolved issue. Janice French, the applicants mother, stated that the Police Department has not checked into any of the issues relating to these charges. She urged the Council to give the applicant a chance to move on with her life. Motion was made by Murphy, seconded by Waugh and carried to uphold the Police Chief's denial of this security license application.

Marie Lang appeared before the Council and stated that the Black Hills were stolen from the Lakota people. She expressed concern about the Native American people who are living in poverty in Rapid City and on the reservation.

### ***Alcohol Applications***

Upon motion made by Hadley, seconded by Waugh and carried, the Finance Officer was directed to publish notice of hearing on the application of James Berendes dba **Queen of Hearts Casino**, 316 E. Boulevard, for an On-Off Sale Malt Beverage License Transfer (from Harold's Prime Rib, Inc.).

Motion was made by Hadley, seconded by Rodriguez and carried to approve No. CC041502-01 – Authorize consumption of alcoholic beverages at The Journey Museum, 222 New York Street, on June 1, 2002 – **American Association of University Women**.

Motion was made by Hadley, seconded by Rodriguez and carried to approve No. CC041502-02 – Authorize consumption of alcoholic beverages at The Journey Museum, 222 New York Street, on July 25, 2002 – American Society of Heating, Air Conditioning and Refrigeration Engineers (**ASHRAE**).

### ***Consent Calendar***

The following items were removed from the Consent Calendar:

25. No. LF041002-09 - Approve request of Kathleen M. Cook, dba Cook's Cool Treats, for renewal of Concession Agreement for 2002.

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

### ***Set for Hearing*** (None)

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

4. No. PW041002-01 – Approve Change Order No. 01 for ST01-1148, Street Light Maintenance Contract with Lighting Maintenance Company for an increase of \$1,249.68.
5. No. PW041002-02 – Authorize staff to advertise for bids for PR01-1073, Roosevelt Park Xeriscape Demonstration Garden.

6. No. PW041002-03 – Authorize staff to advertise for bids for ST01-1138, Rushmore Business Park Infrastructure, Phase 3.
7. No. PW041002-04 – Authorize staff to advertise for bids for SSW02-1196, Milwaukee Street Utility Improvements and Mill & Overlay Project.
8. No. PW041002-05 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with CETEC Engineering Services, Inc. to Design SSW02-1106, Omaha Street Utilities – 12<sup>th</sup> Street to East Boulevard for an amount not to exceed \$72,535.50.
9. No. PW041002-06 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with Lund Associates to Design PR02-1208, Roosevelt Park Pool and Recreation Complex for an amount not to exceed \$495,000.
10. No. PW041002-07 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with American Engineering Testing, Inc. to Perform 2002 Environmental Monitoring at Landfill for an amount not to exceed \$27,385.65.
11. No. PW041002-08 – Authorize the Mayor and Finance Officer to sign the American Red Cross Authorized Provider Agreement to Provide Swim Lessons.
12. No. PW041002-09 – Authorize the Mayor and Finance Officer to sign a Permanent Access Easement to Water Service Shut-Off Valve with John Samuelsen, 2421 Danbury Circle.
13. Approve the refund of 2002 Golf Course Season Passes.
14. Direct staff to proceed with the ASA Softball Complex at the Parkview Drive site.

**Legal & Finance Committee**

15. No. LF041002-07R - Approve Resolution to Amend the Non-Union Personnel Policy.

RESOLUTION TO AMEND THE NON-UNION PERSONNEL POLICY

BE IT RESOLVED by the City of Rapid City to amend the Non-Union Personnel Policy as follows:

Amend 6.01 as reads “Each employee shall be granted one personal holiday per year; however, to be eligible, the employee during his first calendar year must have completed his full probationary period prior to October 15 and shall not take a personal holiday before that date.” To read:

“Each employee shall be granted one personal holiday per calendar year. To be eligible, the employee must complete his 90 day probationary period prior to October 15. The employee may not take the personal holiday prior to completion of the 90 day probationary period.”

Amend the following to Article VII to clarify eligibility for use of the Short Term Disability Plan:

~~7.06 as reads “The City employee Health and Safety Committee shall conduct a comprehensive review of each worker’s compensation case at the end of each 60-calendar-day period that the employee remains on worker’s compensation benefits.”~~

7.09 An employee who become eligible for benefits under the City’s Short Term Disability Plan (Part B) and whose Part A sick leave balance shall be reduced to less than 40 hours as a result of such disability, shall retain this 40 hours or less of the remaining balance in his Part A sick leave account and shall receive sick leave under the Short Term Disability Plan (Part B). An employee must be off work for 3 consecutive work days prior to receiving the Short Term Disability Benefit and that time will be charged to Sick A, Vacation or Leave Without Pay.

Amend Section 7.15 as reads "Any employee appointed by the Mayor who is terminated from employment or not reappointed for other than just cause as determined by the City Council, shall be paid an amount equal to the entitlement of sick leave of the affected employee under the provisions of the City of Rapid City Short-Term Disability Plan." To read:

"Any employee appointed by the Mayor by and with the advice and consent of the city council and who is terminated from employment or not reappointed for other than just cause as determined by the City Council, shall be paid an amount equal to the entitlement of sick leave of the affected employee under the provisions of the City of Rapid City Short-Term Disability Plan."

Amend Appendix B

~~In addition to rates of pay established by resolution of the city Council, an employee's regular rate of pay shall include longevity pay based on the following schedule:~~

~~After three years of continuous service — four and one-half cents per hour. For each year of continuous service after three year as of continuous service one and one-half cents per hour.~~

~~No employee paid under the 15-step Pay Plan shall receive longevity pay.~~

Add:

***Guidelines for Placing Employees within the Compensation System for Promotion, Transfer, Reclassification, or Out-of-Class Pay***

The following guidelines are provided to Division Managers and Department Directors for placing Non-union employees "on-step" within Grade for a new position. These guidelines establish a maximum percentage for placement. The minimum step within any Grade shall be no lower than Step A. Directors may request an exception to these guidelines by providing a written justification to the Finance Officer and Mayor.

***Transfer or Promotion into a Grade less than Grade 18 (Grade 17 and below)***

If an employee is promoted or transfers to a position no higher than a Grade 17, the employee will be placed on the wage scale at a step within the appropriate grade that provides the closest to a five percent (5%) increase in pay.

***Promotion into a Grade 18 or higher***

If an employee is promoted to a position in Grade 18 or higher, the employee will be placed on the wage scale at a step within the appropriate grade that provides the closest to a seven and one-half percent (7.5%) increase in pay.

***Same Grade/Lateral Transfer***

If an employee transfers from a position higher than Grade 18 to another position at the same grade the employee will be placed on the wage scale at a step within the appropriate grade that provides the closest to a five percent (5%) increase in pay.

***Out-of-Class (Out-of-Grade) Pay for Temporary Assignment***

If an employee is temporarily assigned to perform out-of-class duties in a position in a higher grade, the employee will be placed on the wage scale at a step within the appropriate grade that provides the closest to a five percent (5%) increase in pay.

Amend Appendix D as reads " Temporary Employment at Rushmore Civic Center" and

"The provision of this Appendix shall apply to those fire and police employee who request supplemental employment at the Civic Center provided such employment is consistent with other provisions of this Non-Union Personnel Policy." To read:

"Temporary Employment" and

"The provision of this Appendix shall apply to those fire and police employee who request supplemental employment at the Civic Center and the Rapid City Regional Airport, provided such employment is consistent with other provisions of this Non-Union Personnel Policy."

Dated this 15th day of April, 2002.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 16. No. LF041002-14 - Approve Resolution to Amend the Non-Union Compensation Schedule.

RESOLUTION TO AMEND THE NON-UNION  
COMPENSATION SCHEDULE

WHEREAS, the events of September 11, 2001, have indicated a need for increased security at our nation's airports; and

WHEREAS, the Rapid City Police Department has been called upon to help meet that need; and

WHEREAS, all sworn personnel are appropriate to contribute to an increased security presence at the Rapid City Regional Airport; and

WHEREAS, certain sworn members of the Rapid City Police Department are salaried employees, and therefore exempt from overtime requirements; and

WHEREAS, it is appropriate to compensate exempt personnel for services provided over and above the ordinary call of their duties;

NOW, THEREFORE, IT IS HEREBY RESOLVED that exempt sworn personnel of the Rapid City Police Department who serve for special employment shifts at the Rapid City Regional Airport shall be compensated at the rate of Thirty-five Dollars (\$35.00) per hour in addition to their ordinary salary.

Dated this 15th day of April, 2002.

ATTEST:  
s/ James F. Preston

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

Finance Officer  
(SEAL)

- 17. No. LF041002-01 - Approve Travel Request for Dr. Richard Talley to attend Senior Management Institute for Police at Boston University's Law School from June 9-27, 2002, in the amount of \$6,235.
- 18. No. LF041002-02 - Approve Travel Request for Torrance Richardson to attend the AAAE 7<sup>th</sup> Annual Conference & Expo in Dallas/Fort Worth, Texas, from 5/18/02 to 5/23/02 in the amount of \$2,250.
- 19. No. LF041002-03 - Approve Travel Request for Jerry Brown to attend the AAAE 7<sup>th</sup> Annual Conference & Expo in Dallas/Fort Worth, Texas, from 5/18/02 to 5/23/02 in the amount of \$2,175.
- 20. No. LF041002-04 - Allow the Solid Waste Department to use the unused space on two Rapid Transit vehicles for advertising solid waste recycling at no cost.
- 21. No. LF041002-12 - 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:

Engineering Division

Table Textronix 4958 Digitizing System, Inv. No. 9480

Building Inspection

1989 Chevy S10 Blazer, SN 8227853  
1986 Mazda B2000, SN 627629

Meadowbrook Golf Course

John Deere Tee Mower, Model 2243, Inv. No. 19277  
Ryan Greensaire Airefyer, Inv. No. 9559  
Toro Greensaire Aerator, Inv. No. 12147

Police Department

1999 Chevrolet Blazer, SN 1GNNDT13W0XK191889  
1999 Chevrolet Blazer, SN 1GNNDT13W3XK190347

Cemetery

1990 Case Backhoe/loader, Model 480F, SN JYG 0004436

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 15th day of April, 2002.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 22. No. LF041002-05 - Approve on-premise signs at Star of the West complex.
- 23. No. LF041002-06 - Approve Resolution Amending the Short Term Disability Plan.

RESOLUTION AMENDING THE SHORT TERM DISABILITY PLAN

WHEREAS the City of Rapid City established a Short Term Disability Plan the 20<sup>th</sup> day of October, 1986; and

WHEREAS the Plan has been revised through Union negotiations and revisions to the Non-union Personnel Policy;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the City of Rapid City hereby revised the Plan as hereto attached, effective January 1, 2002.

Dated this 15th day of April, 2002.

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

THE COUNCIL  
s/ Jerry Munson, Mayor

- 24. No. LF041002-08 - Approve Memorandum of Understanding AFSCME Local 1031, Council 59 and the City of Rapid City.
- 26. No. LF041002-10 - Approve the Following Abatement: Samuel J. & Faye E. Bice, 2001, \$119.36.
- 27. Approve the Following Licenses: Central Station Service: ADT Security Services, Inc., Bradenton, FL; ADT Security Services, Inc., Papillion, NE; ADT Security Services, Inc., Columbus, OH; IDC, a Service Product of Criticom International Corporation, Curtis E. Quady; Mechanical Installer: Mike Anderson, John R. Ashby, Sr., D. Mike Austin, Dave A. Bell, Brian Bies, Terry A. Borr, Franklin G. Durst, Robert Fleming, Doug Frisk, David C. Marrs, David A. McLane, Harlan E. Olson, Kevin Schmidt, Dale Schulte, David J. Wipf, Joe Youngblood; Plumber: Charles T. Short; Residential Contractor: DAZ Construction, Michael D. Swenson.

**Raffle**

- 28. No. CC041502-03 – Children’s Miracle Network – Great Black Hills Duck Race to be held on Sunday, July 28, 2002

End of Consent Calendar

The next item discussed by the Council was No. LF041002-09 - Approve request of Kathleen M. Cook, dba Cook's Cool Treats, for renewal of **Concession Agreement** for 2002. Motion was made by Hadley and seconded by Hanks to approve the request. Hadley asked why these concession agreements are only valid from April 15 through September 30 of each year. City Attorney Altman stated that he is not aware of any particular reason for the time reason. These are form agreements generated by the City Attorney’s Office and they can be easily changed. Upon vote being taken, the motion carried unanimously.

**Public Hearings**

The Mayor announced that the meeting was open for consideration of the **Resolution Of Necessity** for Fulton Street Sanitary Sewer Extension Project SS02-1191 (No. CC041502-04). Notice was mailed to each affected property owner on March 20, 2002 and published in



the Rapid City Journal on March 30 and April 6, 2002. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION OF NECESSITY FOR  
FULTON STREET SANITARY SEWER EXTENSION  
PROJECT SS02-1191

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

The City Council hereby declares the necessity of constructing approximately 140 feet of 8-inch sanitary sewer main, one manhole, and associated street pavement patching. The above-referenced project shall be hereafter referred to as Fulton Street Sanitary Sewer Extension, project No. SS02-1191, which shall be deemed a description of the above referenced improvements.

The general nature of the project is set forth above. Detailed plans and specifications will be prepared by Alliance of Architects and Engineers and will placed on file with the City Finance Officer.

The estimated total cost of the project is \$20,610 of which \$13,110 will be assessed to the benefiting properties. The estimated assessed costs include consultant services for design, 6% engineering fees, and 5% fiscal fees. Interim construction fees are to be determined by the Finance Officer and shall be included in the final assessment.

The method of assessment is on a benefit basis with each property sharing equal costs.

The recorded ownership and estimated cost for each property is listed on the attached ownership list.

Dated this 15th day of April, 2002.

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

THE CITY COUNCIL  
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Steinburg. Attorney Scott Sumner was present on behalf of Mike Coughlin who owns property that will be affected by this assessed project. Sumner explained that historically, the three properties involved with this project shared a joint sewer line that connected to the City sewer. In May of 2001, Coughlin replaced the service line to his residence at 1214 Fulton Street at a cost of approximately \$3,700. He has no need for, nor will he tap into, the new sewer main that is proposed. Sumner asked that this property be deleted from the assessment project. Todd Esquibel stated that each of the properties will be benefited by the new sewer main that will be installed. It is up to the individual property owners whether they want to tap into the main or not. Also, there have been problems at 1214 Fulton with sewage seeping up through the driveway. Hanks concurred noting that at some point in the future, the property at 1214 Fulton Street will need to tap into the new sewer main. Tim Rangitsch also spoke in favor of keeping all three properties on the assessment roll. 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 next item before the Council was No. PW041002-10 – Joint Petition to **Vacate a Road** for a non-user, located east off Highway 79 and connects Hwy 79 to Folsom Road (for Basin

Electric Power Cooperative and Sharon A. Norman). The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION OF VACATION OF STREET AFTER NONUSER

WHEREAS the Basin Electric and Sharon Norman have petitioned the City for vacation for nonuser of a portion of the Sammis Road; and

WHEREAS Basin Electric own property legally described as:

The South Half of the Southeast Quarter of the Southwest Quarter; the South Half of the North Half of the Southeast Quarter of the Southwest Quarter; the Southeast Quarter of the Southwest Quarter of the Southwest Quarter except the west two-hundred twenty feet thereof, and the South Half of the Northeast Quarter of the Southwest Quarter of the Southwest Quarter except the west two-hundred twenty feet thereof, all in Section 28, Township 1 North, Range 8 East, Black Hills Meridian, Pennington County, South Dakota, containing 40 acres more or less; and

WHEREAS Sharon Norman owns property legally described as:

The North Half of the Southwest Quarter, the West Half of the Southwest Quarter of the Southwest Quarter, the west two-hundred twenty feet of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter, the North Half and the west two-hundred twenty feet of the South Half of the Northeast Quarter of the Southwest Quarter of the Southwest Quarter, the North Half of the North Half of the Southeast Quarter of the Southwest Quarter, and that portion of the Northwest Quarter of the Southeast Quarter described as follows: Beginning at a point on the center line of Section 28, 1320 feet north of the quarter-section corner on the south line of said Section; thence east 1320 feet to Corner No. 1; thence north 204 feet to Corner 2 and the center of a county road; thence north 54 degrees 45 minutes west 974 feet to Corner No. 3 along the center line of said county road; thence north 32 degrees 55 minutes west 662 feet (some recorded instrument also gives this distance as 732 feet) to Corner No. 4; thence west 166 feet to Corner No. 5; thence south 1320 feet to the point of beginning, excepting therefrom a strip of land across the south side of said tract 99 feet wide, all located in Section 28, Township 1 North, Range 8 East, Black Hills Meridian, Pennington County, South Dakota; and

WHEREAS Sammis Road was recognized in a judgment of the Seventh Circuit Judicial Court in 1970, and as recorded in the Pennington County Register of Deeds Office, Miscellaneous Records Book 104 page 1, and is legally described as:

Beginning at a point on the Rapid City and Spring Creek County Road (commonly known as the Gramberg Road) near where said road crosses Dry Creek on land owned by Jacob Spahr in Section Twenty-Eight (28), Township One North (T1N), Range Eight East (R8E), thence west and south to the Southwest (SW) corner of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of said Section Twenty-Eight (28), thence west on section line between Sections Twenty-Eight (28) and Thirty-Three(33), Twenty-Nine (29) and Thirty-Two (32), thence diagonally across the north one-half (1/2) of Section Thirty-One (31) to the Southeast (SE) corner of the Northeast Quarter (NE1/4) of the Section Thirty-Six (36), Township One North (T1N), Range Seven East (R7E), thence in a westerly direction across Sections Thirty-Six (36) and Thirty-Five (35) to interest the Rapid City and Rockerville Road, thence west on the line of said road to where same bears south, thence west and north on line of present travel to a point on section line between Sections Twenty-Eight (28) and Thirty-Three (33), near the Quarter (1/4) Section corner, thence westerly, keeping as near the section line as possible, to the Section corner common to Sections Twenty-Eight (28), Twenty-Nine (29), Thirty-Two (32), and Thirty-Three (33), thence north on section line to intersect the Rapid City and Sheridan County Road; and

WHEREAS notice of a public hearing was published in accordance with SDCL § 9-45-11; and

WHEREAS the Rapid City Common Council held a public hearing on the application for vacation of a portion of Sammis Road at its regularly scheduled meeting on Monday, April 15, 2001; and

WHEREAS it appears a portion of Sammis Road has not been used or traveled as a street or alley at any time during the last twenty years; and

WHEREAS it appears the vacation of a portion of Sammis Road is in the public interest;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the portion of Sammis Road not following the section line and contained within the boundaries of the real property owned by Basin Electric and Sharon Norman as heretofore described, be and the same is hereby vacated.

Dated this 15th day of April, 2002.

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 Dreyer. 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.

***Planning Department Consent Items***

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

- 31. 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 MAY 6, 2002)
- 32. 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 MAY 6, 2002)
- 33. 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 MAY 6, 2002)
- 34. 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 JUNE 3, 2002)

35. 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 Avenue), located at the intersection of Degeest Street and Homestead Avenue. (CONTINUE TO MAY 6, 2002)
36. No. 01PL122 - A request by Dream Design International for a **Final Plat** on Lots 7-9, Block 7 and Lots 4-6, Block 8 and Lot 1, Block 9 and Lot 1, Block 10 and Lots 1-38, Block 11 and Lots 1-13, Block 12 and Lots 1-5, Block 13 and Lots 1-6, Block 14 and Lot P and Outlot G and dedicated streets, Red Rock Estates, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of the Red Ridge Ranch and the unplatted portion of SW1/4 and the unplatted portion of NW1/4 and the unplatted portion of the W1/2 NE1/4 all in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Sheridan Lake Road. (CONTINUE TO MAY 6, 2002)
37. No. 01PL123 - A request by Rice Valley View Properties for a **Preliminary and Final Plat** on Lot 6A of Lot 6 of the Rice Valley View Properties Addition, located in Section 6, T1N, R8E, BHM in the City of Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Rice Valley View Properties, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1033 Omaha Street. (CONTINUE TO MAY 20, 2002)
38. No. 01PL127 - A request by Doug Sperlich for Jeff Stone for a **Preliminary Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 SE1/4, less Broadmoor Subdivision, less Block 1 of Broadmoor Southwest & less Mountain Shadows Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive. (CONTINUE TO MAY 6, 2002)
39. No. 02PL005 - A request by Thurston Design Group, LLC for Youth & Family Services, Inc. for a **Preliminary and Final Plat** on Lot 2R and Lot 3 of Block 21, Wise's Addition, located in the W1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3 Rev. and 4 Rev. of Block 6 and Lot 2 of Block 21, Wise's Addition located in the SW1/4 of the NW1/4 Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 120 East Adams Street and 202 East Adams Street. (CONTINUE TO MAY 6, 2002)
40. No. 02PL007 – Approve the request by Centerline, Inc. for 3 T's Land Development LLC for a **Preliminary and Final Plat**, located southwest of the intersection of Anamaria and 5th Street.

#### RESOLUTION APPROVING PLAT

WHEREAS a Plat of Minnesota Ridge Subdivision, Lot 1 of Tract A and Lot 2 of Tract A, formerly Tract A, Minnesota Ridge Subdivision, located in the NW1/4 of the SE1/4

of Section 13, 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 Minnesota Ridge Subdivision, Lot 1 of Tract A and Lot 2 of Tract A, formerly Tract A, Minnesota Ridge Subdivision, located in the NW1/4 of the SE1/4 of Section 13, 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 15th day of April, 2002.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

41. No. 02PL009 - A request by Polenz Land Surveying for Chuck Farrar for a **Preliminary and Final Plat** on Lots 16P Revised and Lot 17P revised in Block 2 of Chapel Lane Village Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 16P and Lot 17P of Block 2 of Chapel Lane Village located in the NE1/4 of NE1/4 of Section 17 and the SE1/4 of SE1/4 of Section 8 and the vacated portion of Lakeview Subdivision No. 2 of the SE1/4 of SE1/4 of Section 8, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3210 Kirkwood Drive. (CONTINUE TO MAY 6, 2002)
42. No. 02PL011 - A request by Centerline, Inc. for 3 T's Land Development LLC for a **Preliminary Plat** on Lots 23 thru 30 and Lots 41 thru 48, Minnesota Ridge Subdivision, located in the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract C of Robbinsdale Addition No. 10 located in the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of Minnesota Street and 5th Street. (CONTINUE TO MAY 6, 2002)
43. No. 02PL012 - A request by Dream Design International, Inc. for Stoney Creek Inc. for a **Preliminary and Final Plat** on Lot 24, Block 3; Lots 4, 5, and Outlot "A", Block 4; Lots 1-22, Block 6 of Stoney Creek Subdivision and dedicated Nugget Gulch Drive, Harvard Avenue, Columbia Court, Cornell Court and major drainage easements located in the NE1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 SW1/4 less Stoney Creek Subdivision Phase 1 and Less Lot H2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of the intersection of Catron Boulevard and Sheridan Lake Road. (CONTINUE TO MAY 6, 2002)
44. No. 02PL014 - A request by CETEC Engineering for Park Hill Development Inc. for a **Preliminary and Final Plat** on Lots 1A and 1B of Block 1 of Park Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1 of Park

Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of East Oakland Street and Smith Avenue. (CONTINUE TO MAY 6, 2002)

46. No. 02PL022 - A request by Renner & Sperlich Engineering Co. for Gary Rasmuson for a **Preliminary and Final Plat** on Lot 26 of Block 23, and Lot 6 of Block 24, Robbinsdale Addition No. 10, located in the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A of Robbinsdale Addition No. 10 and a portion of the NE1/4 of the SE1/4 of Section 13, BHM, Rapid City, Pennington County, South Dakota, located in the northeast and northwest corners of the intersection of Maple Avenue and East Minnesota Street. (CONTINUE TO MAY 6, 2002)

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## END OF PLANNING CONSENT CALENDAR

The Mayor presented No. 02PL020, a request by Doug Sperlich for Gordon Howie for a **Preliminary and Final Plat** on Lots 1 thru 6 of Block 17 of Trailwood Village located in the E1/2 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the E1/2 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located northeast of the intersection of Teak Drive and Covington Street. Motion was made by Kroeger, seconded by Dreyer and carried to approve the plat with the following stipulations: 1) Prior to City Council approval of the Preliminary Plat, a drainage study including detailed drainage and grading plans shall be submitted for review and approval; 2) All Uniform Fire Codes shall be continually met; 3) Prior to the start of any building construction, fire hydrants shall be installed and operational; 4) All streets, turnarounds and access shall comply with all the requirements of the Rapid City Street Design Criteria Manual; 5) An Air Quality Construction Permit shall be obtained if more than one acre of surface area is disturbed prior to the issuance of any building permits or grading permits; 6) Prior to Final Plat approval by the City Council, the subdivision improvement estimate shall be provided for review and approval and all the subdivision inspection fees shall be paid; 7) Prior to Final Plat approval by the City Council, the petitioner shall either complete the required subdivision improvements or post financial surety in the amount necessary to cover the cost of the required subdivision improvements; and 8) with corrected lot numbers for Lots 2-4 and 16-18.

The Mayor presented No. 01PL110, a request by Fisk Land Surveying for Dakota Land Development for a **Preliminary and Final Plat** on Lots 1-7, Vista Lake Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Jackson Boulevard/West Highway 44 north of the Fish Hatchery. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until May 6, 2002.

The Mayor presented No. 02PL008, a request by Fisk Land Surveying & Consulting Eng. for Thomas Lee for a **Preliminary and Final Plat** on Lots 2A and 2B of Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 13, T1N, R6E, BHM, Pennington County, legally described as Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE/14 of the NE/14 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota, located at 6905 West Highway 44. Motion was made by Kroeger, seconded by Waugh and carried to continue this plat until May 6, 2002.

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

The Mayor presented No. 02AN004, a request by Dream Design International, Inc. for a **Petition for Annexation**, located east of Elk Vale Road and north of Degeest Street. The following Resolution was introduced, read and Kroeger moved its adoption:

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS a petition signed by not less then 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 containing 280 acres more or less is hereby included within the corporate limits of the City and annexed thereto:

Government Lot 1 (aka NE1/4 NE1/4); Government Lot 2 (aka NW1/4 NE1/4); the S1/2 of Government Lots 3 and 4 (aka S1/2 N1/2 NW1/4); SW1/4 NE1/4, SW1/4 NW1/4, all located in Section 3, T1N, R8E, BHM, Pennington County, South Dakota, and the SE1/4 NW1/4 less Lot 1 Block 13 of Big Sky Subdivision and less Lot 1 Block 14 of Big Sky Subdivision and less the adjacent platted Degeest Street R.O.W., all located in Section 3, T1N, R8E, BHM, Pennington County, South Dakota, and the SW1/4 SE1/4, Section 34, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Degeest Street.

Dated this 15<sup>th</sup> day of April, 2002.

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.

The Mayor presented No. 02CA017, a request by City of Rapid City for an **Amendment to the Comprehensive Plan to change the future land use designation on a 21.28 acre parcel from General Agriculture District to Public District**, located east of Hillsvie Drive immediately south of Stevens High School. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS, the Rapid City Council held a public hearing on the 15<sup>th</sup> day of April, 2002 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 21.28 acre parcel from General Agriculture District to Public District, located in the E 1/2 of Section 5 and the W 1/2 of Section 4, all in T1N, R7E, Black Hills Meridian, Pennington County, South Dakota, more fully described as: Beginning at the North 1/16 Section corner of Section 4 and 5, T1N, R7E, said point being marked with a 2 inch diameter United States Department of Interior and Bureau of Land Management cadastral survey steel cap marker dated 1998, and also as shown on the plat of dedicated street right of way signed and approved by the Common Council of the City of Rapid City on the 19th day of May, 1969, said point being the True Point of Beginning; THENCE FIRST COURSE: A bearing of S 00°01' W, on the Section line, and a distance of 1314.04 feet to the 1/4 Section corner;

THENCE SECOND COURSE: A bearing of S 00°04' W, on the Section line, and a distance of 657.02 feet to the 1/32 Section corner; THENCE THIRD COURSE: A bearing of S 89°51' 30" E on the 1/32 Section line to the 1/16 Section line; THENCE FOURTH COURSE: Southerly on the 1/16 Section line to the 1/32 Section corner; THENCE FIFTH COURSE: A bearing of S 89°40' W on the 1/32 Section line to a point 50 feet westerly of a centerline curve to the left with a radius of 286.48 feet and an arc length of 251.96 feet; THENCE SIXTH COURSE: Along a line 50 feet left of a center line curve to the left with a radius of 286.48 feet and an arc length of 106.37 feet; THENCE SEVENTH COURSE: Along a line 50 feet left of a tangent line bearing N 13°34' 30" W and a distance of 616.51 feet; THENCE EIGHTH COURSE: Along a line 50 feet left of a centerline curve to the left with a radius of 904.67 feet and an arc length 464.61 feet; THENCE NINTH COURSE: Along a line 50 feet left of a tangent line bearing N 43°00' W and a distance of 7.96 feet; THENCE TENTH COURSE: Along a line 50 feet left of a centerline curve to the left with a radius of 477.46 feet and an arc length of 337.64 feet; THENCE ELEVENTH COURSE: Along a line 50 feet left of a tangent line bearing N 83°31' W and a distance of 125.76 feet; THENCE TWELFTH COURSE: Along a line 50 feet left of a centerline curve to the right with a radius of 238.73 feet and an arc length of 365.20 feet; THENCE THIRTEENTH COURSE: Along a line 50 feet left of a centerline tangent line bearing N 04° 08' E and a distance of 80.03 feet; THENCE FOURTEENTH COURSE: Along a line 50 feet left of a centerline curve to the left with a radius of 11,459.15 feet and an arc length of 823.33 feet; THENCE FIFTEENTH COURSE: Along a line 50 feet left of a tangent line bearing N 00°01' E and a distance of 859.22 feet to the 1/16 Section line of Section 5; THENCE SIXTEENTH COURSE: Easterly on the 1/16 Section line of Section 5 and a distance of 50 feet to the previously described True Point of Beginning, and good cause appearing therefor

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

Dated this 15<sup>th</sup> day of April, 2002.

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.

The Mayor presented No. 01PD064, a request by Bryan K. Gonzales for Pride Neon, Inc. for a **Major Amendment to a Planned Commercial Development to revise the sign package** on Lot 2 Revised of Blocks 14-15, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 640 Flormann Street. Motion was made by Kroeger, seconded by Dreyer and carried to continue this item until May 6, 2002.

The Mayor presented No. 01PD065, a request by Fisk Land Surveying for Dakota Land Development for an **Initial and Final Development Plan - Planned Residential Development** on Lot 1 of Lot F-1 of Fish Hatchery Subdivision and the north 545.31 feet of Lot F-1 of Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Jackson Boulevard/Highway 44 West, north of the Fish Hatchery. Motion was made by Kroeger, seconded by Dreyer and carried to continue this item until May 6, 2002.



The Mayor presented No. 02PD003, a request by Thurston Design Group, LLC for Youth and Family Services for a **Planned Commercial Development - Final Development Plan** on the east 26' of Lot 2 of Block 21, Lot 3 Revised and Lot 4 Revised of Block 6, Wise's Addition, located in the SW1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 120 East Adams Street and 202 East Adams Street. Motion was made by Kroeger, seconded by Dreyer and carried to continue this item until May 6, 2002.

The Mayor presented No. 02SV001, a request by Fisk Land Surveying for Dakota Land Development for a **Variance to the Subdivision Regulations to allow sidewalks on one side of the street on Feather Ridge Court and to waive the requirement to install sidewalk, curb and gutter, street light conduit, dry sewer and water on the access easement** on Lot 1 of Lot F-1 of Fish Hatchery Subdivision and the north 545.31 feet of Lot F-1 of Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Jackson Boulevard/West Highway 44, north of the Fish Hatchery. Motion was made by Kroeger, seconded by Dreyer and carried to continue this item until May 6, 2002.

The Mayor presented No. 02SV007, a request by Polenz Land Surveying for Chuck Farrar for a **Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalk and street light conduit** on Lot 16P and Lot 17P of Block 2 of Chapel Lane Village located in the NE1/4 of NE1/4 of Section 17 and the SE1/4 of SE1/4 of Section 8 and the vacated portion of Lakeview Subdivision No. 2 of the SE1/4 of SE1/4 of Section 8, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3210 Kirkwood Drive. Motion was made by Kroeger, seconded by Dreyer and carried to continue this item until May 6, 2002.

The Mayor presented No. 02SV011, a request by Fisk Land Surveying & Consulting Eng. for Thomas Lee for a **Variance to the Subdivision Regulations to allow a lot more than twice as long as it is wide** on Lots 2A and 2B of Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE/14 of the NE/14 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota, located at 6905 West Highway 44. Motion was made by Kroeger, seconded by Dreyer and carried to continue this item until May 6, 2002.

The Mayor presented No. 02SV012, a request by Dream Design International, Inc. for Stoney Creek Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and sidewalk along Catron Boulevard** on the E1/2 SW1/4 less Stoney Creek Subdivision Phase I and less Lot H2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of the intersection of Catron Boulevard and Sheridan Lake Road. Motion was made by Kroeger, seconded by Steinburg and carried to deny the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and sidewalk along the west 350 feet of Catron Boulevard; and approve the Variance to waive the requirement to install curb, gutter and sidewalk along the balance of Catron Boulevard, with the following stipulation: 1) That a sidewalk be constructed along the north side of Catron Boulevard.

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

The Mayor presented No. LF121201-18R, second reading of **Ordinance 3773**, entitled an Ordinance Amending Sections 17.16.020(17); 17.18.020(12); 17.18.030(29); 17.22.020; 17.22.030(J); 17.24.020B(2); 17.24.030(C); and Adding Section 17.50.380 to Chapter 17.50 of the Rapid City Municipal Code Regarding Off-Premise Signs as Uses on Review. Motion

was made by Hadley, seconded by Kroeger and carried to continue this item until after Item No. 69 which deals with amendments to sign regulations.

**Ordinance 3783** (No. LF013002-10) entitled An Ordinance Amending Section 2.08.090 of Chapter 2.08 of the Rapid City Municipal Code Relating to Rules, having passed the first reading on April 1, 2002, it was moved by Hadley and seconded by Waugh 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 Ordinance 3783 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on No. 02RZ005, second reading of **Ordinance 3788**, a request by FMG, Inc. for N.W. Engineering for a **Rezoning from Light Industrial District to Medium Density Residential District** on the following property: Lot 1 and 2 of Block 3 of Feigel Subdivision; and the remaining balance of Block 3 of Feigel Subdivision; and the south 40' of previously vacated Madison Street right of way between Riley Avenue and Cambell Street; and the previously vacated 16' east-west right of way through Lots 1 and 2 of Block 3 of Feigel Subdivision and remaining balance of Block 3 of Feigel Subdivision; and the north 40' of previously vacated Watertown Street right of way located between Riley Avenue and the west lot line of Lot 3 of Block 2 of Feigel Subdivision; all located in the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of East North Street and East of Riley Avenue. Notice of hearing was published in the Rapid City Journal on March 9 and March 16, 2002. Ordinance 3788, having had the first reading on March 4, 2002, it was moved by Hadley and seconded by Rodriguez 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 3788 the second time.

The Mayor announced the meeting was open for hearing on No. 02RZ017, second reading of **Ordinance 3803**, a request by City of Rapid City for a **Rezoning from No Use District to Public District** on the following property: A tract of land located in the E1/2 of Section 5 and the W1/2 of Section 4, all in T1N, R7E, BHM, Pennington County, South Dakota, more fully described as: Beginning at the North 1/16 Section corner of Section 4 and 5, T1N, R7E, said point being marked with a 2 inch diameter United States Department of Interior and Bureau of Land Management cadastral survey steel cap marker dated 1998, and also as shown on the plat of dedicated street right of way signed and approved by the Common Council of the City of Rapid City on the 19th day of May, 1969, said point being the True Point of Beginning; THENCE FIRST COURSE: A bearing of S°00°01' W, on the Section line, and a distance of 1314.04 feet to the 1/4 Section corner; THENCE SECOND COURSE: A bearing of S00°04' W, on the Section line, and a distance of 657.02 feet to the 1/32 Section corner; THENCE THIRD COURSE: A bearing of S89°51'30" E on the 1/32 Section line to the 1/16 Section line; THENCE FOURTH COURSE: Southerly on the 1/16 Section line to the 1/32 Section corner; THENCE FIFTH COURSE: A bearing of S89°40'W on the 1/32 Section line to a point 50 feet westerly of a centerline curve to the left with a radius of 286.48 feet and an arc length of 251.96 feet; THENCE SIXTH COURSE: Along a line 50 feet left of a center line curve to the left with a radius of 286.48 feet and an arc length of 106.37 feet; THENCE SEVENTH COURSE: Along a line 50 feet left of a tangent line bearing N13°34'30"W and a distance of 616.51 feet; THENCE EIGHTH COURSE: Along a line 50 feet left of a centerline curve to the left with a radius of 904.67 feet and an arc length 464.61 feet; THENCE NINTH COURSE: Along a line 50 feet left of a tangent line bearing N43°00' W and a distance of 7.96 feet; THENCE TENTH COURSE: Along a line 50 left of a centerline curve to the left with a radius of 477.46 feet and an arc length of 337.64 feet; THENCE ELEVENTH COURSE: Along a line 50 feet left of a tangent line bearing N83°31'W and a distance of 125.76 feet; THENCE TWELFTH COURSE: Along a line 50 feet left of a centerline curve to the right with a radius of 238.73 feet and an arc length of 365.20 feet; THENCE THIRTEENTH COURSE: Along a line

50 feet left of a centerline tangent line bearing N04°08'E and a distance of 80.03 feet; THENCE FOURTEENTH COURSE: Along a line 50 feet left of a centerline curve to the left with a radius of 11,459.15 feet and an arc length of 823.33 feet; THENCE FIFTEENTH COURSE: Along a line 50 feet left of a tangent line bearing N00°01'E and a distance of 859.22 feet to the 1/16 Section line of Section 5; THENCE SIXTEENTH COURSE: Easterly on the 1/16 Section line of Section 5 and a distance of 50 feet to the previously described True Point of Beginning. Said tract of land contains 21.28 Acres, more or less, located east of Hillsvie Drive immediately south of Stevens High School. Notice of hearing was published in the Rapid City Journal on April 6 and April 13, 2002. Ordinance 3803, having had the first reading on April 1, 2002, it was moved by Hadley and seconded by Rodriguez 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 3803 the second time.

**Ordinance 3804**, (No. CC040102-02) entitled An Ordinance Amending Section 1.08.060 and Section 1.08.070 of Chapter 1.08 of the Rapid City Municipal Code Relating to Wards and Precincts, having had the first reading on April 1, 2002, it was moved by Hadley and seconded by Murphy that the title be read the second time. The following voted AYE: Hanks, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: Johnson; whereupon the Mayor declared the motion passed and Ordinance 3804 was declared duly passed upon its second reading.

The Mayor presented No. CC040102-03 second reading of **Ordinance 3805**, entitled an Ordinance Amending Chapter 12.20 of the Rapid City Municipal Code by Adding Thereto New Sections 12.20.200, 12.20.210, 12.20.220, 12.20.230, 12.20.240, 12.20.250, 12.20.260, and 12.20.270 To Allow For Permit Allowing Encroachment into Right-of-Way. Kriebel asked for clarification at the next meeting on the difference between removal of an authorized encroachment and authorization of an existing encroachment. Motion was made by Hanks, seconded by Kroeger and carried to continue this item until May 6, 2002.

**Ordinance 3806**, (No. CC040102-04) entitled An Ordinance Amending Section 10.40.100 of Title 10, Chapter 40 of the Rapid City Municipal Code Relating to Handicapped Parking Fines, having had the first reading on April 1, 2002, it was moved by Hadley and seconded by Steinburg that the title be read the second time. Johnson spoke against the ordinance noting that the proposal would only increase the fines and would not solve the problem. He added that he doesn't feel there is a large problem with people parking in handicapped parking spaces who shouldn't be. The following voted AYE: Hanks, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: Johnson; whereupon the Mayor declared the motion passed and Ordinance 3806 was declared duly passed upon its second reading.

**Ordinance 3809**, (No. 02RZ018) a request by Harold L. Bies for Kathleen Morris for a **Rezoning from Low Density Residential District to Medium Density Residential District** on Blocks 13 and 14, Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located the southwest corner of Lindbergh Avenue and Wood Avenue, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3809 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, May 6, 2002.

**Ordinance 3810**, (No. 02RZ019) a request by Thurston Design Group, LLC for Youth & Family Services, Inc. for a **Rezoning from Neighborhood Commercial District to Office Commercial District** on the following property, was introduced: A portion of Lot 2 of Block 21, Wise's Addition located in the SW1/4 of the NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot3Rev. of Block 6 of said Wise's Addition, and the Point of Beginning. Thence, first course: S00°08'23"W, along the westerly boundary of said Lot3Rev., common to

the easterly boundary of said Lot 2, a distance of 74.51 feet; Thence, second course: S89°58'51"W, along the southerly boundary of said Lot 2, common to the northerly boundary of Lot4Rev. of Block 6 of said Wise's Addition, a distance of 25.90 feet; Thence third course: N00°03'44"E, a distance of 74.64 feet, to a boundary corner common to said Lot 2 and said Lot4Rev; Thence, fourth course: S89°44'13"E, along the boundary line common to said Lot 2 and said Lot4Rev., a distance of 26.00 feet, to the northwest corner of Lot3Rev. of Block 6 of said Wise's Addition, and the Point of Beginning, located at 818 North Maple Avenue. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3810 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, May 6, 2002.

**Ordinance 3811**, (No. 02RZ020) a request by FMG, Inc. for George and Nancy Dunham for a **Rezone from General Agricultural District to Low Density Residential** on the following property, was introduced: A parcel of land within the NE1/4 of the NE1/4, Section 16, T1N, R7E, BHM, described by metes and bounds as follows: From the NE Section Corner of Section 16 go S00°01'13"W for a distance of 30.00 feet then N89°43'19"W for a distance of 25.00 feet to the Point of Beginning. Thence S00°01'13"W parallel to the East Section Line for a distance of 225.00 feet. Thence N89 43'19"W for a distance of 121.01 feet. Thence S14°19'10"W for a distance of 344.24 feet. Thence S40 29'02"W for a distance of 245.73 feet. Thence S81°53'46"W for a distance of 608.83 feet to a point on a curve. Thence on a curve to the left with a chord bearing of N14°12'22"W for a chord distance of 99.93 feet and radius of 470.00 feet. Thence S69°41'29"W for a distance of 107.08 feet. Thence N89°43'59"W for a distance of 209.88 feet to the 1/16 line. Thence N00°16'01"E along the east boundary of Block 1 of Parkridge Village for a distance of 310.08 feet. Thence N00°19'42"E for a distance of 292.43 feet to a point on a curve. Thence on a curve to the left with a chord bearing of N11°48'15"E for a chord distance of 150.63 feet with a radius of 378.28 feet. Thence S89°43'19"E along the South ROW of Nicklaus Drive for a distance of 1269.31 feet to the Point of Beginning, located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3811 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, May 6, 2002.

**Ordinance 3812**, (No. 02RZ021) a request by FMG, Inc. for George and Nancy Dunham for a **Rezone from General Agricultural District to Low Density Residential** on the following property, was introduced: A parcel of land within the NE1/4 of the SE1/4 of Section 16, T1N, R7E, BHM described by metes and bounds as follows: From the Point of Beginning, being the SE corner of the NE1/4 of the SE1/4, go N89°43'18"W along the 1/16 Line for a distance of 1333.50 feet to the SE 1/16 corner of Section 16. Thence N00°05'20"W along the 1/16 Line for a distance of 561.80 feet. Thence N64°57'46"E for a distance of 62.20 feet. Thence S30°17'55"E for a distance of 130.55 feet. Thence N64°57'46"E for a distance of 286.82 feet. Thence N55°49'01"E for a distance of 60.00 feet to a point on a curve. Thence south easterly on a curve to the left with a chord bearing of S41°19'14"E for a chord distance of 67.10 feet and a radius of 270.00 feet. Thence N41°32'30"E for a distance of 70.00 feet. Thence N79°34'02"E for a distance of 179.72 feet. Thence N04°05'26"E for a distance of 128.26 feet. Thence N78°33'14"E for a distance of 134.93 feet. Thence N87°50'42"E for a distance of 333.96 feet. Thence S00°00'00"W for a distance of 182.50 feet. Thence S85°54'34"E for a distance of 160.61 feet to the east Section Line of Section 16. Thence S00°00'52"W along the Section Line for a distance of 644.83 feet to the Point of Beginning, located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3812 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, May 6, 2002.

The Mayor presented No. LF041002-11R, first reading of **Ordinance 3813**, entitled An Ordinance Revising The Regulation of Signs Within the City of Rapid City by Amending Chapter 15.28 of the Rapid City Municipal Code. Motion was made by Hadley and seconded by Rodriguez to continue this item to the Legal & Finance Committee meeting on May 1, 2002. Questions were raised about the reasons for continuance. Rodriguez stated that she has received numerous phone calls from people who don't understand the changes and want clarification. The proposed changes will have a large impact on the entire community, not just the large billboard companies. Kriebel objected to the continuance noting that there are many people in the audience who have been waiting to speak to this issue. Hadley withdrew his motion to continue. Motion was made by Dreyer and seconded by Hadley to approve first reading of Ordinance 3813. Craig Grotenhouse stated that the Beautification Committee has been trying for a number of years to draw attention to a billboard problem in Rapid City. The Sign Regulation Task Force worked diligently on this issue and there were many compromises made. The proposed ordinance would change the spacing requirement from 300 feet to 1,000 feet. It would also increase the distance from residential properties to 500'. This will help protect private home ownership from the incursion of billboards. The Task Force did not agree to a moratorium or ban of billboards on scenic highways like Catron Boulevard. Robert Birnbaum spoke against the proposal. He is a small, independent sign owner and the changes would put him out of business. Two years ago he applied for and received two sign permits. The signs were constructed and now the City wants to change the rules. He asked who would reimburse him for removing his signs if the proposed ordinance is approved. Don Tucker also spoke against the proposed ordinance. He constructed a billboard two years and received all the required permits and approvals. Now the City wants to change the rules and have the sign owners incur additional expense to change the signs that are currently legal under city code. Dawn Mashek stated that the City would not be requiring anyone to remove any billboards. She presented a slide show of different areas of the community and the locations of billboards on major roads. She noted that spacing is a problem because billboards take away from the scenic beauty of the area. They are also designed to divert attention and this is not a good thing for drivers of vehicles on these major roads. Mashek also noted that the City cannot control the content of the billboards and this could have a negative impact on surrounding properties. Mike Derby requested that the Council refer the proposed ordinance to the Sign Contractor's Board for review before it is approved. Rick Kahler spoke against the proposed ordinance stating that he feels it is punitive beyond reason. There is a difference between complying with new laws, and a "taking". The US Constitution guarantees that when a governmental entity takes property from a citizen, there must be compensation and Kahler stated that he feels the proposed ordinance would be a "taking" situation. Conrad Rupert stated that his billboards were legally constructed and he doesn't want to have to remove it. He asked the Council to consider the precedent they would be setting if the proposed ordinance is approved. Brenden Casey spoke against the proposed ordinance and he submitted a packet of information for the Council's review. He also requested that the ordinance be reviewed by the Sign Contractor's Board. Tom Johnson stated that he feels there are some good provisions in the proposed ordinance, but also some issues he could not approve. It is a very restrictive proposal that could put people out of business. Mel Dreyer explained that the Task Force tried to limit the number of billboards in the community, but they are not requiring that any be removed. It will provide a road map for the future on how to design a more user friendly system for the community, the traveling public and the billboard industry. He encouraged the Council to approve the ordinance as presented. Hanks expressed concern about the way different sizes of billboards are given time frames for amortization. This could pose a legal problem because we are not treating all non-conforming signs the same. Also, the city could be opening itself up to litigation on the taking issue because of the way the costs are amortized. Dreyer stated that legal counsel was at every meeting and they are confident that the proposed ordinance will stand up to a legal challenge. Kriebel stated that he does support some controls on the proliferation of billboards in the community. However, he would like to see more latitude given to current sign owners. Roll call vote was taken on the motion to approve first reading: AYE: Kroeger, Hanks, Dreyer and Murphy; NO: Kriebel, Waugh, Steinburg, Rodriguez, Hadley and

Johnson. Motion failed, 4-6. Motion was made by Murphy and seconded by Hanks to refer the proposed ordinance to the Sign Code Task Force for additional review and that their recommendation be submitted to the Legal & Finance Committee for review. Dreyer stated that the Sign Committee would need additional direction from the Council on this issue. Substitute motion was made by Kriebel, seconded by Dreyer and carried to refer the proposed ordinance to the Legal & Finance Committee for review.

The Mayor presented No. LF121201-18R, second reading of **Ordinance 3773**, entitled an Ordinance Amending Sections 17.16.020(17); 17.18.020(12); 17.18.030(29); 17.22.020; 17.22.030(J); 17.24.020B(2); 17.24.030(C); and Adding Section 17.50.380 to Chapter 17.50 of the Rapid City Municipal Code Regarding Off-Premise Signs as Uses on Review. Motion was made by Hadley and seconded by Kroeger to approve second reading. Planning Director Elkins explained that this item is directly tied to the ordinance changing sign regulations. She recommended that it be continued to allow the Council to further discuss these issues. Substitute motion was made by Steinburg, seconded by Rodriguez and carried to continue second reading of Ordinance 3773 until May 6, 2002.

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

Motion was made by Hadley and seconded by Dreyer to approve the Contract with Malcolm Chapman for **Undoing Racism Task Force** Strategic Planning Session. It was noted that the contract has not been submitted to the Council members for review. Substitute motion was made by Johnson, seconded by Hadley and carried to continue this item until May 6, 2002.

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

Motion was made by Kroeger and seconded by Rodriguez to approve No. PW032702-03 – Approve the bid award of One (1) New Current Model Year **Articulating Motor Grader** with Wing Plow for the Street Division to the lowest responsible bidder meeting specifications, Butler Machinery Company for a Total Cost Bid Option of \$174,883. Roll call vote was taken: AYE: Kroeger, Hanks, Dreyer, Rodriguez and Murphy; NO: Kriebel, Waugh, Steinburg, Hadley and Johnson. Motion failed because of a 5-5 tie vote. Motion was made by Hadley and seconded by Steinburg to approve the conventional bid from RDO Equipment, in the bid amount of \$131,139. Roll call vote was taken: AYE: Kriebel, Waugh, Steinburg and Hadley; NO: Kroeger, Hanks, Dreyer, Rodriguez, Murphy and Johnson. Motion failed, 4-6. Motion was made by Johnson and seconded by Rodriguez to reject all bids for the articulating motor grader and authorize staff to re-bid under the total cost method only, with the option of either 7 or 10 years. Upon vote being taken, the motion carried with Waugh and Hadley voting no.

Motion was made by Kroeger and seconded by Waugh to authorize staff to advertise for bids for New **Automated Garbage Trucks** (No. PW031302-02). Roll call vote was taken: AYE: Kriebel, Waugh, Kroeger, Hanks, Dreyer, Murphy and Hadley; NO: Steinburg, Rodriguez and Johnson. Motion carried, 7-3.

Motion was made by Kroeger and seconded by Murphy to authorize staff to advertise for bids for New **Automated Garbage and Recycling Containers** (No. PW031302-03). Roll call vote was taken: AYE: Kriebel, Waugh, Kroeger, Hanks, Dreyer, Murphy and Hadley; NO: Steinburg, Rodriguez and Johnson. Motion carried, 7-3.

### ***Bills***

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

Payroll Ending 4-06-02, Paid 4-12-02	565,354.37
Payroll Ending 4-06-02, Paid 4-12-02	2,874.45
Pioneer Bank & Trust, taxes Paid 4-12-02	139,634.26
Pioneer Bank & Trust, taxes Paid 4-12-02	214.76
First American Administrators, claims Paid 4-01-02	43,551.70
First American Administrators, claims Paid 4-10-02	39,690.32
Berkley Risk Administrators, Claims, Paid 4-3-02	21,787.54
1st National Bank, SRF Payments, Paid 3-28-02	120,076.89
SD Department of Labor, unemployment claims, Paid 4-8-02	12,045.53
SD Municipal League, Reg. 4-24 District 9 Meeting	126.00
US Post Master, billing postage	1,500.00
Computer Bill List	<u>2,586,814.78</u>
Total	\$3,533,670.60

Payroll Ending 4-06-02, Paid 4-12-02	2,552.80
Pioneer Bank & Trust, taxes Paid 4-12-02	191.41
RSVP Petty Cash, postage	34.00
City of Rapid City, postage	8.61
City of Rapid City, health insurance	608.56
Dakota Business Center, copier lease	6.38
SD Retirement System, pension	336.96
SD School of Mines, telephone	64.20
Standard Life, insurance	7.92
Angie Weeks, mileage	<u>36.72</u>
Total	\$3,537,518.16

Treasurers Checks

Rapid Valley Fire Protection District	149.35
Tory Richardson, conference registration	<u>528.00</u>
Total	\$3,538,195.51

As there was no further business to come before the Council, the meeting adjourned at 9:45 P.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

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

(SEAL)