

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
November 6, 2000

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, November 6, 2000 at 7:00 P.M.

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

Motion was made by Munson, seconded by Hanks and carried to **approve the minutes** of October 16 and October 26, 2000.

Bid Openings

The following bids for **Corral Drive & Park Drive Right Turn Lane Project** ST00-1021 were opened on November 2, 2000:

| | | |
|----|---|-------------|
| a) | Hills Materials Company (bond submitted) | \$59,898.70 |
| b) | Heavy Constructors (bond submitted) | \$52,853.80 |
| c) | Simon Contractors of SD (bond submitted) | \$63,410.00 |
| d) | Stanley Johnsen Concrete (bond submitted) | \$56,346.50 |
| e) | RCS Construction (bond submitted) | \$54,500.00 |

Staff has reviewed the bids and recommends award to Heavy Constructors. Motion was made by Hadley, seconded by Steinburg and carried to award the bid for ST00-1021 to Heavy Constructors, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$52,853.80.

The following bids for **Rapid City Youth Boxing Facility Materials** were opened at 2:30:

| | | |
|----|--|-------------|
| a) | Dakota Craft Builders Supply (check submitted) | \$34,699.66 |
| b) | Knecht Home Center (check submitted) | \$32,944.08 |

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

Mayor's Items

Mayor Shaw presented the **Citizen of the Month Award** to Arletta and Earl Dailey and commended them for outstanding volunteer service to the community.

Alderperson Items

Motion was made by Steinburg and seconded by Hadley to direct staff to move the **traffic light** near South Park Elementary School from the intersection of 5th & Meade Street to the intersection of Indiana & Fifth Street. Bjerke requested that this issue be submitted to the Public Works Committee meeting so that staff can present additional information on this issue. Substitute motion was made by Hanks and seconded by Kroeger to refer this issue to the Public Works Committee for consideration. Johnson noted that the Council has had discussion on this issue as well as a letter from the Traffic Engineer. Bjerke stated that there is an additional report which should be considered by the Council. Upon vote being taken, the

substitute motion failed with Kroeger and Hanks voting yes. Upon vote being taken, the original motion carried unanimously.

Alcoholic Beverage License Applications

This was the time set for hearing on the application of the City of Rapid City dba **Airport Restaurant & Lounge**, Rapid City Regional Airport, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Johnson, seconded by Munson and carried, the Council approved the application.

This was the time set for hearing on the application of Sanford's Grub & Pub, South Dakota dba **Sanford's Grub & Pub**, 306 7th Street, for an On-Sale Liquor License Transfer (from Freight House, LLC). Upon motion made by Johnson, seconded by Munson and carried, the Council approved the application.

Upon motion made by Johnson, seconded by Munson and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, November 20, 2000:

4. RGR, Inc. dba **Hara's**, Rushmore Mall, 2200 N. Maple Avenue, for an On-Sale Liquor License Renewal and Sunday Opening
5. Alta Lee, Inc. dba **Clock Tower Lounge**, 2525 W. Main Street, for an On-Sale Liquor License Renewal
6. Kurylas, Inc. dba **Imperial Inn**, 125 Main Street, for an On-Sale Liquor License Renewal
7. H&B, Inc. dba **Hall Inn**, 214 E. St. Joe Street, for an Off-Sale Liquor License Renewal
8. Sharlyne Houdek dba **Chevy's Lounge**, 640 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
9. Wal-East Development, Inc. dba **Jackpot Casino**, 685 LaCrosse Street, for an On-Sale Liquor License Renewal
10. **Arrowhead Country Club**, 3675 Sheridan Lake Road, for an On-Sale Liquor License Renewal and Sunday Opening
11. The Retired Enlisted Association, **Chapter Home**, 1981 E. Centre Street, for an On-Sale Liquor License Renewal and Sunday Opening
12. The Retired Enlisted Association dba **Northgate Bingo**, 905 E. North Street, for an On-Sale Wine License Renewal
13. Entertainment, Inc. dba **Robbinsdale Lounge**, 801 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
14. Rapid City **Elks Club**, Lodge No. 1187, 3333 E. 39th Street, for an On-Sale Liquor License Renewal and Sunday Opening
15. Fat Boy's Inc. dba **Firehouse Brewing Company**, 610 Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
16. Dan's Super Market, Inc. dba **Dan's Super Market**, 333 Third Street, for an Off-Sale Liquor License Renewal
17. Shannon Capital, Inc., dba **Corner Pantry – LaCrosse Street**, 2130 LaCrosse Street, for an Off-Sale Liquor License Renewal
18. GMRI, Inc. dba **Red Lobster**, 120 Disk Drive, for an On-Sale Liquor License Renewal and Sunday Opening
19. Guan Huan Huang dba **Hunan Chinese Restaurant**, 1720 Mt. Rushmore Road, for an On-Sale Wine License Renewal
20. Margaret Jefferson dba **Oasis Lounge**, 711 Main Street, for an On-Sale Liquor License Renewal
21. Porter Apple Company, inc. dba **Applebee's Neighborhood Grill & Bar**, 2160 Haines Avenue, for an On-Sale Liquor License Renewal and Sunday Opening
22. Albertson's, Inc. dba **Albertson's Food Center**, 855 Omaha Street, for an Off-Sale Liquor License Renewal

23. Sports Saloon, Inc. dba **Murphy's Bar**, 510 Ninth Street, for an On-Sale Liquor License Renewal and Sunday Opening
24. Mills Drug, Inc. dba **Boyd's Liquor Mart**, 1424 Mt. Rushmore Road, for an Off-Sale Liquor License Renewal
25. B&L, Inc. dba **Boyd's Liquor Mart**, 2001 W. Main Street, for an Off-Sale Liquor License Renewal
26. B&L, Inc. dba **Boyd's Liquor Mart**, 909 E. St. Patrick street, for an Off-Sale Liquor License Renewal
27. Beshara Enterprises, Inc. dba **The Pirate's Table**, 3550 Sturgis Road, for an On-Sale Liquor License Renewal and Sunday Opening

Other

Motion was made by Johnson, seconded by Munson and carried to authorize consumption of alcoholic beverages at **The Journey Museum**, 222 New York Street, on November 14, 2000, for a Chamber Mixer.

Consent Calendar

The following items were removed from the Consent Calendar:

47. No. LF110100-15 - Authorize Mayor and Finance Officer to Sign Real Estate Exchange Agreement Disclosure Schedule with Montana-Dakota Utilities Co.

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

Set for Hearing (November 20, 2000)

28. No. 00PD050 - An application by Barbara Van Ekeren for a **Major Amendment to a Planned Residential Development to reduce the front yard setback to zero feet** on Lot 2, Hillsvieview Condominiums, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located approximately 1/8 mile south of the intersection of Hillsvieview Drive and Raider Road.
29. No. 00PD051 - An application by Sun-Rise Construction for Kenneth L. Kirkeby and Patrick R. Hall for a **Major Amendment to a Planned Residential Development to allow an eight unit condo complex** on Lot 12 of Block 3 of Tract BR of Mountain Springs Subdivision, Seciton 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the east side and at the dead end of City Springs Road in Kirkwood Meadows.
30. No. 00PD052 - An application by Gary Barber Designs for Bill Durst for a **Major Amendment to a Planned Residential Development to allow a garage in excess of 30% of the gross floor area of the dwelling unit** on property described by metes and bounds commencing at the center of Section 14, T1N, R7E, BHM, thence N 0°01' 34" W, a distance of 210', thence N 19° 43' 43" E, a distance of 7.63' to the southwest corner of proposed Lot 18, the point of beginning; Thence First Course: N 19° 43' 43" E, a distance of 241.15 feet to the northwest corner of proposed Lot 18; Thence Second Course: S 85° 36' 55" E, a distance of 291.09, to the northeast corner of proposed Lot 18, which is a point on a non-tangent curve concave to the northeast, having a radius of 523.36 feet; Thence Third Course: Southeasterly along said curve, through an angle of 20° 13' 48", a distance of 184.79 feet to the beginning of a tangent curve concave to the northwest, having a radius of 30.00 feet; Thence Fourth Course: Southwesterly along said curve, through an angle of 39° 42' 55", a distance of 20.79 feet to the beginning of a tangent curve concave to the southeast, having a radius of 48 feet; Thence Fifth Course: Southwesterly along said curve, through an angle of 11°

18' 50", a distance of 9.48 feet to a non-tangent line which is the southeast corner of proposed Lot 18; Thence Sixth Course: S 73° 40' 56" W, a distance of 219.87 feet, to an angle point on the south lot line of proposed Lot 18; Thence Seventh Course: N 68° 21' 33" W, a distance of 187.84 feet to the point of beginning. Said parcel of land contains 2.000 acres, more or less. All located in the S1/2 of the NE ¼ of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southern terminus of Alta Vista Drive.

31. No. 00PD053 - An application by Ron Baker for Baker Planned Communities for a **Planned Residential Development - Initial and Final Development Plan** on Parcel D of MJK Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of the intersection of East Minnesota Street and Odde Drive.
32. No. 00PD054 - An application by Ennis and Associates for Mike Tennyson, Pat Hall and Ken Kirkeby for a **Major Amendment to a Planned Residential Development to reduce the side yard setback from 30 feet to 15 feet** on Lot 5 of Sandstone Ridge Subdivision and a portion of Lot 26 R-1 of Fairway Hills PRD, located in the Southeast One-Quarter (SE1/4) of the Northwest One-Quarter (NW1/4) of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat recorded in Book 23 of Plats on Page 187, more fully described as follows: Beginning at the northwest corner of said Lot 26 R-1, said corner being marked by a rebar with a 1019 cap, Thence, S 87°42'21" E, along the northerly property line of Lot 26 R-1, a distance of 166.92 feet to the northeasterly corner of Lot 26 R-1, said corner being marked by a rebar with a 1019 cap, Thence, S 74°13'13" W, a distance of 162.90 feet to a point on the westerly line of Lot 26 R-1, said corner being marked by a rebar with 2199 cap; Thence, N11°07'57"W, along the westerly line of Lot 26 R-1, a distance of 51.96 feet, to the point of beginning. Said tract of land contains 4,218 square feet more or less, located at the intersection of Sheridan Lake Road and Holiday Lane.

Legal & Finance Committee Items

33. No. LF110100-01 - Approve Travel Request for Police Department to hold annual goals meeting at Civic Center on January 10-12, 2001, in the amount of \$500.
34. Authorize Mayor and Finance Officer to Sign Maintenance Support Contract in the Amount of \$6,232 for the Reverse 911 Communication System with Sigma Micro Corporation.
35. No. LF110100-02 - Approve Event Permit for Rushmore Post 1273 Veteran's Day Parade on November 11, 2000.
36. No. LF110100-03 - Approve Travel Request for Nathan Deitschman, Jim Frybarger, and Bill Reishus to Attend Highway Emergency Response Specialist Training Classes at Emergency Response Training Center in Pueblo, Colorado, from November 13-17, 2000 (total estimated expense \$4,986).
37. No. LF110100-04 - Approve purchase of 2001 Dodge Ram 1500 from the State Contract for \$14,531.
38. No. 00ID003 - Authorize staff to prepare the necessary agreement to allow reimbursement to City of Rapid City for design costs incurred on Infrastructure Development Partnership Fund Projects.
39. Authorize staff to proceed with a forced annexation on the Parkview Drive property.
40. No. LF110100-05 - Authorize Mayor and Finance Officer to Sign Contract with Ketel Thorstenson, LLP to conduct City's audit for calendar year 2000, with an option to extend through 2001-2003 and an option to include auditing the financial statements of the Museum Alliance of Rapid City.

41. No. LF110100-06 – Approve 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:

Landfill

Various Reinforced Concrete Culverts

Fire Department

Memory Module Reader, Inv. No. 10050, SN 528001041

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 6th day of November, 2000.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

42. No. LF110100-07 - Approve the following Recommendations from the Subsidy Committee for FY2001: Allied Arts Fund Drive \$1,484; Art Resource Center \$1,773; BH Children's Theatre Troop \$2,757; Dakota Choral Union \$2,462; Heritage Festival \$246; Municipal Band \$12,802; Pioneer Museum \$492; Pow-Wow Association \$9,848; Ranger Marching Band \$8,863; Rapid City Arts Council \$17,952; Storybook Theatre \$12,556; Symphony Orchestra \$13,295; Big Brothers/Sisters \$5,000; Canyon Lake Senior Center \$14,000; CASA \$8,000; City Wide Halloween Party \$750; Cornerstone Rescue Mission \$10,000; Elderly Meals (WSDSS) \$5,500; Habitat for Humanity \$5,780; Minneluzahan Senior Center \$21,500; Salvation Army \$5,000; Senior Companions \$4,000; Working Against Violence \$5,000.

43. No. LF110100-08 - Authorize Mayor and Finance Officer to Sign Agreement with Sound Pro to design audio/video system for the Council Chambers.

44. No. LF110100-09 - Authorize Purchase of a 2001 Dodge Caravan from the State Contract for \$18,743.

45. No. LF110100-11 – Approve A RESOLUTION AMENDING THE PAY MATRIX RATES OF PAY FOR TEMPORARY/SEASONAL EMPLOYEES

THEREFORE, BE IT RESOLVED by the City of Rapid City that certain resolution entitled "Resolution Establishing the Pay Matrix for Temporary/Seasonal Employees" be amended effective January 1, 2001 as follows:

| Occupational Field or Job Title | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| Office - Professional | | | | | | | | |
| Clerical Technical Level I | 6.26 | 6.57 | 6.90 | 7.25 | 7.61 | 7.99 | 8.39 | 8.81 |
| Clerical Technical Level II | 9.25 | 9.71 | 10.20 | 10.71 | 11.24 | 11.81 | 12.40 | 13.02 |
| Professional I | 13.67 | 14.35 | 15.07 | 15.82 | 16.62 | 17.45 | 18.32 | 19.24 |
| Professional II | 20.2 | 21.21 | 22.27 | 23.38 | 24.55 | 25.78 | 27.07 | 28.42 |

| Service | | | | | | | | |
|-------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| Bus Driver | 7.66 | 8.04 | 8.45 | 8.87 | 9.31 | 9.78 | 10.27 | 10.78 |
| Library Page | 6.26 | 6.57 | 6.90 | 7.25 | 7.61 | 7.99 | 8.39 | 8.81 |
| Library Associate | 9.39 | 9.86 | 10.35 | 10.87 | 11.41 | 11.98 | 12.58 | 13.21 |
| Library Technical Assist I | 6.26 | 6.57 | 6.90 | 7.25 | 7.61 | 7.99 | 8.39 | 8.81 |
| Library Technical Assist II | 7.43 | 7.80 | 8.19 | 8.60 | 9.03 | 9.48 | 9.96 | 10.45 |
| Lifeguard | 6.26 | 6.57 | 6.90 | 7.25 | 7.61 | 7.99 | 8.39 | 8.81 |
| Recreation Worker | 6.57 | 6.90 | 7.24 | 7.61 | 7.99 | 8.39 | 8.80 | 9.24 |
| Reserve Officer | 15.24 | 16.00 | 16.80 | 17.64 | 18.52 | 19.45 | 20.42 | 21.44 |
| School Crossing Guard | 7.67 | 8.05 | 8.46 | 8.88 | 9.32 | 9.79 | 10.28 | 10.79 |
| Sports Referee(non-certified) | 10.5 | 11.03 | 11.58 | 12.16 | 12.76 | 13.40 | 14.07 | 14.77 |
| Sports Referee(certified) | 15.28 | 16.04 | 16.85 | 17.69 | 18.57 | 19.50 | 20.48 | 21.50 |
| Ticket Seller/Cashier | 6.26 | 6.57 | 6.90 | 7.25 | 7.61 | 7.99 | 8.39 | 8.81 |
| Civic Center | | | | | | | | |
| Civic Center Event Staff | 6.26 | 6.57 | 6.90 | 7.25 | 7.61 | 7.99 | 8.39 | 8.81 |
| Civic Center Supervisor | 6.9 | 7.25 | 7.61 | 7.99 | 8.39 | 8.81 | 9.25 | 9.71 |
| Concessions Worker | 6.26 | 6.57 | 6.90 | 7.25 | 7.61 | 7.99 | 8.39 | 8.81 |
| Custodial Maintenance | 6.26 | 6.57 | 6.90 | 7.25 | 7.61 | 7.99 | 8.39 | 8.81 |
| Food and Beverage Worker | 7.25 | 7.61 | 7.99 | 8.39 | 8.81 | 9.25 | 9.72 | 10.20 |
| Laborer – Maintenance | | | | | | | | |
| Equipment Operator | 7.5 | 7.88 | 8.27 | 8.68 | 9.12 | 9.57 | 10.05 | 10.55 |
| Laborer - Entry Level | 6.26 | 6.57 | 6.90 | 7.25 | 7.61 | 7.99 | 8.39 | 8.81 |
| Laborer - Semi Skilled | 9.25 | 9.71 | 10.20 | 10.71 | 11.24 | 11.81 | 12.40 | 13.02 |
| Laborer – Skilled | 13.67 | 14.35 | 15.07 | 15.82 | 16.62 | 17.45 | 18.32 | 19.24 |
| Repairperson/Mechanic | 6.73 | 7.07 | 7.42 | 7.79 | 8.18 | 8.59 | 9.02 | 9.47 |

Dated this 6th day of November, 2000

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

46. No. LF110100-12 - Authorize Mayor and Finance Officer to Sign Federal Work-Study Program Off-Campus Agreement with National American University.
48. No. LF110100-17 - Approve the Following Abatement: Donald R. & Frankie J. Shultz, 1999, \$3,952.
49. No. CC110600-03 – Approve the following licenses: Electrical Apprentice: Shawn Mayclin; Mechanical Apprentice: Erik Dudley; Mechanical Installer: Stan W. Foster, Chris Johnson; Merchant Security Business: Dakota Security, Inc., dba Ace Security, Inc., Jack Andrew Werner; Metals and Gems: Brown and Associates, Ray Brown; Plumbing Contractor: Benjamin (Bruce) Hartley; Residential Contractor: Marcy Barber, Marcy's LLC; William G. Barber, Glenn C. Barber & Associates; Jim Bickett, Bickett Construction; Joel W. Boylan, American Builders, Inc.; Dennis Bertalot, Bertalot Construction (inactive); Ken H. Brenneise, Brenneise Homes; Brad DeWitt & Scott Stratmeyer, DeWitt Builders, Inc.; Lon Gose, Lon Gose Const. (inactive); David M. Grundstrom; John M. Holdaway II & Evelyn Holdaway, Holdaway Construction, Inc.; Michael & Michele Howe, Howe Custom Const. & Remodel.; Stephen Jensen, Handyman Services; Roger S. Johnsen, Stanley J. Johnsen Concrete; Dennis Johnson & Kathy Kelly-Johnson, K & J Builders; Lynn Kading, Hills Materials

Company; Lee A. & Terry J. Keeney, Contemporary Construction; Vergil Kjerstad, Vergil Kjerstad Const. (inactive); Stanley E. Koch, Stanley E. Koch Construction; Michael E. Lewis, Mike Lewis Construction; Jeffrey T. Mehlhaff, Mehlhaff Construction, Inc.; Jeffrey D. Ogaard, Jeff's Construction; Jeremy Olson, Olson Services; Darrell S. Rave & Steven E. Rave, Rave Bros., Inc.; Don Ritchie, Don Ritchie Cont. (inactive); Randal Ruthford, Triple R Construction; John Sharkey, B & H Module Distributors, Inc.; James S. & Charlette Steele, James S. Steele Construction; Patric Traxinger, T & P Builders; Jim Weaver, Keith Ginter, Chuck Darrington, United Building Center; Pieter Van Wingerden, Knecht Home Center, Inc.; Allan Weidenbach, Weidenbach Bros.; Second Hand: Furniture Mart, Susan R. Sorbel; Haggerty's, Inc., Thomas J. Haggerty; Mick's Scuba Center, Michael L. Gerhard; Play It Again Sports, Jim M. Thomson; Trader's Corner, Brenda Dennis; Willy's Saw Shop, Douglas Williams; Sewer & Water Contractor: Michael Ryan, Site Work Specialists, Inc.; Sewer & Water Installer Journeyman: Kevin Hein, Scott Ryan, Chad Uhre, Douglas Wilson; Trenching Contractor: Dale Christiansen, Honey Creek Landscape, Inc.; Trenching Journeyman: John S. Pettyjohn; Sign Contractor: Imperial Signs, Inc., John Lipp; Pride Neon, Inc., George Menke; Red Letter Signs, Andrew C. Hade; Signworks, Mikal Lewis; Solar Sound Corp., Willard A. Weber.

50. Approve the RESOLUTION SUPPORTING AMENDMENT E

WHEREAS, Constitutional Amendment E allows for an amendment to the South Dakota Constitution permitting the investment of school funds in certain stocks, bonds, mutual funds, and other financial instruments; and

WHEREAS, a portion of the interest and income from these investments could be used to increase the principal in the fund; and

WHEREAS, the City of Rapid City and the Rapid City School District cooperate in many projects for the benefit of the citizens of Rapid City;

NOW, THEREFORE, the City Council is of the opinion that it is in the best interest of the citizens of Rapid City that such amendment pass and urges the citizens of Rapid City to vote "yes" on Constitutional Amendment E.

Dated this 6th day of November, 2000.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

51. Direct that a resolution or note of thanks be sent to Tom Daschle for the \$29,000,000 that he obtained for the Southeast Connector and the \$3,000,000 to help with the new sewer project.

Public Works Committee Items

52. No. PW110100-01 - Approve Change Order No. 01F for ST00-924, Windslow Street Reconstruction Project to Hills Materials Company for an increase of \$12,976.31.

53. No. PW110100-02 - Approve Change Order No. 02F for ST00-930, Mallridge Subdivision Utilities Project to Hills Materials Company for an increase of \$49,331.81.

54. No. PW110100-03 - Approve Change Order No. 01F for ST00-931, Packer Place Street Reconstruction Project to Hills Materials Company for a decrease of \$437.53.

55. No. PW110100-04 - Approve Change Order No. 02F for ST00-932, Range Road Overlay and Intersection Widening Project to Hills Materials Company for an increase of \$9,004.22.
56. No. PW110100-05 - Approve Change Order No. 01F for ST00-933, Rapid Street Reconstruction between 6th - 8th Streets to Simon Contractors, Inc. for an increase of \$30,149.17.
57. No. PW110100-06 - Approve Change Order No. 01 for PR00-934, Bicycle Path Repair to Simon Contractors of South Dakota for an increase of \$10,325.00.
58. No. PW110100-07 - Approve Change Order No. 01 for DR00-963, Pahasapa Road Drainage Project to Lind-Exco, Inc. for an increase of \$17,025.83.
59. No. PW110100-08 - Authorize staff to advertise for bids for WRF01-1034, Water Reclamation Facility Upgrade-Equipment Purchase.
60. No. PW110100-09 - Authorize staff to advertise for bids for WRF01-1035, Water Reclamation Facility Upgrade-Equipment Installation.
61. No. PW110100-10 - Authorize staff to advertise for bids for IDP00-1036, Landfill Shop Addition Project IDP00-1036.
62. No. PW110100-11 - Authorize the Mayor and Finance Officer to sign Amendment No. 01 to a Professional Service Agreement dated March 20, 2000 with Clark Engineering Corporation to Design W99-845, Dyess Avenue Water Main Extension Project for an amount not to exceed \$3,971.
63. No. PW110100-12 – APPROVE A RESOLUTION FIXING TIME AND PLACE FOR HEARING ON ASSESSMENT ROLL FOR CLIFF DRIVE SANITARY SEWER MAIN EXTENSION II PROJECT SS98-791

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

1. The assessment roll for Cliff Drive Sanitary Sewer Main Extension II Project No. SS98-791 was filed in the Finance Office on the 6th day of November, 2000. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, December 4, 2000 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.

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

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

Dated this 6th day of November, 2000

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

64. No. PW110100-13 – APPROVE A RESOLUTION FIXING TIME AND PLACE FOR HEARING ON ASSESSMENT ROLL FOR SKYLINE RANCH ROAD WATERMAIN EXTENSION PROJECT W99-901

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

1. The assessment roll for Skyline Ranch Road Watermain Extension Project No. W99-901 was filed in the Finance Office on the 6th day of November, 2000. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, December 4, 2000 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.

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

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

Dated this 6th day of November, 2000

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 65. No. PW110100-14 - Approve Recommended Changes in the Trenching Board Bylaws.
- 66. No. PW110100-16 - Authorize staff to advertise a Request for Proposals for a Travel Demand Forecasting Model Update.
- 67. No. PW110100-17 - Approve a request by Dave & Sherry Wengerd to place a structure in public right-of-way at 2401 Arrow, with the stipulation that should the City require the fence to be removed anytime in the future, the homeowner will do so at his own expense.

Raffle

- 68. No. CC110600-02 - Rapid City Elks Lodge No. 1187, beginning November 4, 2000 and ending April 1, 2001

End of Consent Calendar

Motion was made by Johnson, seconded by Hadley and carried to continue the proposed Real Estate Exchange Agreement **Disclosure Schedule** with Montana-Dakota Utilities Company, until November 20, 2000.

Public Hearings

The Mayor announced that the meeting was open for consideration of the Resolution of Necessity for **Parkview Drive Extension Project** ST00-1006. Motion was made by Kroeger and seconded by Hadley to approve the Resolution. Planning Director Marcia Elkins requested that this item be tabled. There are annexation issues that need to be resolved before the resolution is considered. Substitute motion was made by Hadley, seconded by Hanks and carried to table this item.

The Mayor announced the meeting was open for consideration of the Proposed **Real Estate Exchange with MDU**, Pursuant to SDCL 9-27-34.1. Motion as made by Kroeger, seconded by Hanks and carried to approve the Real Estate Exchange Agreement.

The Mayor announced the meeting was open for consideration of the Proposed **Lease with MDU**, Pursuant to SDCL 9-12-5.2. Motion as made by Kroeger, seconded by Hanks and carried to approve the Lease with MDU.

The Mayor announced that the meeting was open for consideration of the assessment roll for **Miscellaneous Property Cleanup**. Notices were mailed to affected property owners on October 4, 2000 and published in the Rapid City Journal on October 30, 2000. No oral or written objections were submitted. The following Resolution as introduced, read and Kroeger moved its adoption:

**RESOLUTION LEVYING ASSESSMENT FOR
CLEANUP OF MISCELLANEOUS PROPERTIES**

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the property clean-up is the amount stated in the proposed assessment roll.
2. The assessment roll for Miscellaneous Property Cleanup is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed nine percent (9%).

Dated this 6th day of November, 2000.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Hadley. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Munson, 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 recommendations in the Council agenda packet:

73. No. 00AN009 – Approve the application by Dream Design for Doyle Estes for a **Petition for Annexation**, located approximately 1000 feet north of Jolly Lane Road off of Race Track Road.

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS a petition signed by not less than three-fourths of the registered 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 2.539 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

The west 340 feet of the unplatted portion of the S1/2 of the N1/2 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota

Dated this 6th day of November, 2000.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 74. No. 00AN010 – Approve the application by Don Ward for BGW Development for a **Petition for Annexation** located southwest of Wildwood Subdivision and north of Rolling Thunder Trail.

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS a petition signed by not less than three-fourths of the registered 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 2.76 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

A tract of land located in the Southeast One Quarter of the Southwest One Quarter (SE1/4 SW1/4) of Section Twenty-one (21), T1N, R7E, BHM, Pennington County, South Dakota, more fully described as; Beginning at the southwest corner of Lot 16R Revised in Block 3 of Wildwood Subdivision, Rapid City, Pennington County, South Dakota, said corner being marked by a rebar; thence, easterly along the southern line of said Lot 16R, a distance of 158.11 feet, more or less, to the southeast corner of said Lot 16R which is also the southwest corner of Lot 17 in Block 3 of Wildwood Subdivision, said corner being marked by a rebar with survey cap No. 1771; thence, easterly along the southern line of said Lot 17, a distance of 171.43 feet, more or less, to the southeast corner of said Lot 17 which is also the northwest corner of Lot 18 in Block 3 of Wildwood Subdivision, said corner being marked by a rebar with

survey cap No. 1771; thence, southerly along the western line of said Lot 18, a distance of 384.90 feet, more or less, to the southwest corner of Lot 18 which is also the southwest corner of Lot 19 in Block 3 of Wildwood Subdivision, said corner being located on the southern section line of Section Twenty-One (21) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM) and said corner being marked by a rebar with survey cap No. 1771; thence, westerly along said section line, a distance of 370.00 feet, more or less; thence, northerly, a distance of 33 feet, more or less, to the edge of section line right-of-way, said corner being marked by a rebar with survey cap No. 1771; thence, northeasterly, a distance of 215.82 feet, more or less, said corner being marked by a rebar with survey cap No. 1771; thence, northerly, a distance of 140.00 feet, more or less, to the point of beginning. Said tract of land contains 2.76 acres, more or less.

Dated this 6th day of November, 2000.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

75. No. 99PL139 - An application by Milt Browning for a **Preliminary and Final Plat** on Lots 9R and 10R, Block 4, Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota, located at 6651 Green Drive. (DENY WITHOUT PREJUDICE)
76. No. 00PL015 - An application by Davis Engineering for G & R, Inc. for a **Final Plat** on Lots 14 thru 24, Block 6, Lots 9 thru 16, Block 8, and Lots 14 thru 16, Block 9 of Scenic Valley Subdivision formerly: SE1/4 of NE1/4 of Section 10, T1N, R8E, BHM less Scenic Valley Subdivision and ROW and the Balance of Tract A of Scenic Valley Subdivision all located in: SE1/4 NE1/4 and NE1/4 NE1/4 Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located on Reservoir Road approximately 1/4 mile south of Twilight Drive. (CONTINUE TO NOVEMBER 20, 2000)
77. No. 00PL018 - An application by Alliance of Architects for Black Hills Habitat for Humanity for a **Preliminary and Final Plat** on Lots 3 thru 6 of Habitat Subdivision formerly Lots 1 thru 15, Lot 4 and a portion alley, Block 4, Schnasse Addition to the City of Rapid City located in the NW1/4 of the SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Herman Street and East Watertown Street. (CONTINUE TO NOVEMBER 20, 2000)
78. No. 00PL053 – An application by Fisk Engineering for a **Lot Split** on Lot 1 of MDU Subdivision and Lot B Revised of Tract 32 of Rapid City Greenway Tracts formerly all of Block 17 of Brennan and Sweeney's Addition and adjoining vacated right-of-way, including the S1/2 of Sacramento Street, the W1/2 of Brennan Avenue, the N1/2 of St. Joseph Street, the alley in Block 17, and a portion of Steele Avenue, and all of Lot B of Tract 32 of Rapid City Greenway Tracts, all located in the E1/2 NW1/4 and NE1/4 SW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Steele Avenue and East Saint Joseph Street. (CONTINUE TO NOVEMBER 20, 2000)
79. No. 00PL055 - An application by Wyss Associates for B.E. Development for a **Preliminary and Final Plat** on Lots 1 through 11 of Block 1 and Lots 1 through 11 of Block 2 of Skyview North Subdivision and Lot 25R of Minnewasta Subdivision (formerly Lot 25 of Minnewasta Subdivision) located in the E1/2 of SE1/4 of Section

10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the east end of Harney Road. (CONTINUE TO NOVEMBER 20, 2000)

- 80. No. 00PL065 – Approve the request by Doug Sperlich for Gordon Howie for a **Final Plat** located at the intersection of East 53rd Street and Mercury Drive.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 1 through 11 of Block 13; Lots 1 through 15 of Block 14; and Lots 1 through 6 of Block 15 – Trailwood Village (formerly a portion of Tract T of Trailwood Village) located in NE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lots 1 through 11 of Block 13; Lots 1 through 15 of Block 14; and Lots 1 through 6 of Block 15 – Trailwood Village (formerly a portion of Tract T of Trailwood Village) located in NE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, 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 6th day of November, 2000.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 82. No. 00PL067 - An application by Doug Sperlich for James Letner for a Preliminary 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. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the Engineering plans as identified on the red lined drawings; 2) Prior to Preliminary Plat approval by the Planning Commission, revised grading and drainage plans shall be submitted for review and approval; 3) Prior to Preliminary Plat approval by the Planning Commission, a revised erosion control plan shall be provided for review and approval; 4) Prior to Preliminary Plat approval by the City Council, Engineering plans shall be revised to include all regulatory signs in accordance with the Street Design Criteria Manual; 5) Prior to Final Plat approval by the City Council, drainage easement(s) shall be shown as required by the Engineering Division; 6) Prior to Final Plat approval by the City Council, the structures located within the storm water channel/sewer alignment shall be removed or surety shall be posted for their removal; 7) Prior to Preliminary Plat approval by the City Council, the size of the proposed water line(s) shall be coordinated with the Fire Department; 8) Prior to Final Plat approval by the City Council, a site plan shall be submitted for review and approval identifying the size and location of water lines and fire hydrant locations within 500 feet of the

property and proposed on-site fire hydrant location(s); 9) Prior to Final Plat approval by the City Council, a miscellaneous document shall be filed at the Register of Deed's office creating a utility easement for the extension of the storm water and sewer line(s) from 38th Street to the subject property or the plat shall be revised to include Lot 61 of Leisure Hills and identify the utility easement(s) as necessary; 10) Prior to Final Plat approval by the City Council, the plat shall be revised to show "Western Heights Subdivision" as "Western Heights Subdivision" and the plat shall be relabeled identifying a portion of the "Existing R-O-W to be vacated this plat" as "Existing R-O-W"; 11) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted and all subdivision inspection fees paid; and, 12) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted.)

83. No. 00PL076 - An application by Doug Sperlich for Gary Rasmusson for **Final Plat** on Lots 25 and 26 of Block 23 and Lots 5 and 6 of Block 24 of Robbinsdale Addition No. 10 (formerly a portion of Tract A of Robbinsdale Addition No. 10 and a portion of the NE1/4 of the SE1/4 of Section 13) located in the NE1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Maple Avenue and East Minnesota Street. (CONTINUE TO NOVEMBER 20, 2000)
84. No. 00PL080 - An application by Fisk Engineering for John and Elaine Kunze for a **Lot Split** on Lots 1 and 2 of Kunze Subdivision located in (and formerly all of) Lot G of Lot 2 of the SE1/4 SW1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of East Saint Charles Street and Creek Drive. (DENY WITHOUT PREJUDICE)
85. No. 00PL081 - An application by Dream Design for Legacy Land Development for a **Final Plat** on Lots 5 and 6, Block 2 and Lots 18 thru 24, Block 6 and Lot 2, Block 7 of The Meadows Subdivision, located in a portion of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of Field View Drive and Derby Lane. (CONTINUE TO NOVEMBER 20, 2000)
86. No. 00PL082 - An application by Renner and Sperlich for Olde Glory Marketing for a **Preliminary and Final Plat** on Lots 13 and 14 of Canyon Shadows Subdivision (formerly the unplatted balance of the NW1/4 of the NE1/4 of Section 8, T1S, R7E, BHM) located in the NW1/4 of the NE1/4, Section 8, T1S, R7E, BHM, Pennington County, South Dakota, located at the intersection of 47th Avenue West and Bears Loose Road. (DENY WITHOUT PREJUDICE)
87. No. 00PL086 – An application by Dream Design International for a **Preliminary and Final Plat** on Lots 10A and 10B of Lot 10 of Tract E of Deadwood Avenue Tract, formerly all of Lot 10 of Tract E of Deadwood Avenue Tract located in the NE1/4 NW1/4 of Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Deadwood Avenue and Plant Street. (CONTINUE TO NOVEMBER 20, 2000)
88. No. 00PL087 - An application by Dream Design International for a **Preliminary and Final Plat** on Lot 1 of Shooting Star Subdivision, located in the unplatted portion of the SE1/4 SW1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southwest of Wildwood Subdivision and north of Rolling Thunder Trail. (CONTINUE TO NOVEMBER 20, 2000)
89. No. 00PL092 – Approve the application by Fisk Engineering Company for Builders Preferred for a **Preliminary and Final Plat** located at the western terminus of Alta Vista Drive.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 31 through 38 in Block 2 and Lots 9 through 20 in Block 3 of Terracita Highlights Subdivision and dedicated Right-of-Way, located in the S1/2 NE1/4 of Section 14, 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 Lots 31 through 38 in Block 2 and Lots 9 through 20 in Block 3 of Terracita Highlights Subdivision and dedicated Right-of-Way, located in the S1/2 NE1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 6th day of November, 2000.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

90. No. 00PL097 - An application by Doug Sperlich for Gary Rasmusson for a **Preliminary and Final Plat** on Lots 15 and 16 of Block 28 of Robbinsdale Addition No. 10 located in the NE1/4 of the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Annamaria Drive and Alta Vista Drive. (CONTINUE TO NOVEMBER 20, 2000)
91. No. 00PL100 - An application by Rick Kahler for South Elm Development LLC for a **Layout, Preliminary and Final Plat** on Lot C of the N1/2 of Government Lot 4 (formerly a portion of Lot B of the N1/2 of Government Lot 4) located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located approximately 1/4 mile south of the intersection of Minnesota Street and Parkview Drive. (CONTINUE TO DECEMBER 4, 2000)
92. No. 00PL101 - An application by James L. Olesen for a **Layout Plat** on Tract B of Olesen Subdivision located in the NW1/4 of the SW1/4 of Section 26, T1N, R8E, BHM, Pennington County, South Dakota, located approximately two miles south of South Dakota Highway 44 on Reservoir Road. (CONTINUE TO DECEMBER 4, 2000)
93. No. 00PL102 - An application by FMG, Inc. for Dave Olson for a **Layout Plat** on Lots 1, 2, and Tract A of Winton Subdivision #2 and dedicated right-of-way, formerly Lots 3 and 4 of Eisenbraun Subdivision and unplatted, located in NW1/4 NE1/4 Section 26, T1N, R8E, BHM, Pennington County, South Dakota, located south of Southside Drive and west of Anderson Road. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Prior to Preliminary Plat approval by the Planning Commission, complete engineering plans and related information as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval; 2) Prior to Preliminary Plat approval by the Planning Commission, revised drainage plans and calculations in

compliance Rapid City Drainage Criteria Manual shall be submitted for review and approval; 3) Prior to Preliminary Plat approval by the Planning Commission, the applicant shall submit information on the water supply proposed for the development; 4) Prior to Preliminary Plat approval by the Planning Commission, the applicant shall provide an evaluation for on-site waste water system(s); 5) Prior to Preliminary Plat approval by the Planning Commission of any lot after the initial three lots as identified in the master plan, a master plan for all utilities, water and sanitary sewer, shall be provided for review and approval; 6) Prior to Preliminary Plat approval by the Planning Commission, the applicant shall submit a revised master plan identifying the proposed intersection with Southside Drive meets the minimum separation between intersection or a Special Exception to the Street Design Criteria Manual shall be approved; 7) Prior to Preliminary Plat by the Planning Commission of any lot after the initial three lots as identified in the master plan, a central water system shall be provided meeting all requirements of the Uniform Fire Code which includes fire hydrants and adequate water pressure; 8) Prior to Preliminary Plat approval by the Planning Commission, a non-access easement shall be identified along Southside Drive except for approved approach locations by the Engineering Division and Pennington County Highway Department; 9) If the thirty-three feet of section line highway has not been previously dedicated, the applicant shall dedicate it as public right-of-way; 10) Prior to Final Plat approval, the applicant shall submit a rezoning application with Pennington County for the portion of the property currently zoned General Agriculture District requesting it be rezoned to Suburban Residential District. The zoning request must be approved and become effective prior to Final Plat approval by the City Council; 11) 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; 12) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted or Subdivision Variance(s) shall be granted waiving required improvement(s); 13) Prior to Preliminary Plat approval by the Planning Commission, the applicant shall provide a revised master plan eliminating all flagpole lot configurations from the master plan and shall revise the master plan identifying the north east/west street as a through street; and, 14) Prior to Final Plat approval by the City Council, no more than forty dwelling units based on the combination of all developments shall have exclusive access from the development before a second access shall be developed.

94. No. 00PL103 - An application by Dream Design International for Rushmore Carwash, Inc. for a **Layout Plat** on Lot 1A of Autumn Hills Plaza, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Catron Boulevard and Sheridan Lake Road. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of the Preliminary Plat, a complete drainage plan per the Arrowhead Drainage Basin Design Plans shall be submitted for review and approval. In particular, a plan shall be submitted identifying on-site drainage and drainage from the major channels located west and south of the subject property; 2) Upon submittal of the Preliminary Plat, a complete street design plan shall be submitted showing the location of utilities, storm drainage, curb and gutter, street light conduit and sidewalk improvements. The street design plans shall also include geotechnical evaluations and testing information on the pavement design; 3) Prior to Preliminary Plat approval by the City Council, the existing public access easement located directly north of the subject property shall be converted to public right-of-way or a Special Exception shall be obtained to allow an easement to serve as legal access to more than four (4) lots. In addition, that portion of Autumn Hills Place shown on this plat shall be identified as public right-of-way or an easement dependent upon approval of the Special Exception; 4) Upon submittal of the Preliminary Plat, a Utility Master Plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and water mains to the subject property shall be submitted for review and approval; 5) Prior to Final Plat approval by the City Council, the lowest floor

elevations for the proposed buildings shall be shown on the plat;6) Prior to Final Plat approval by the City Council, the plat shall be revised to show Lot 1A as Lot 1; 7) Prior to Final Plat approval by the City Council, the plat shall be revised to show Autumn Hills Place as Autumn Place; 8) That a Special Exception shall be granted to allow an easement to serve as the principal means of access to more than four lots; 9) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 10) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.)

95. No. 00PL105 - An application by Fisk Engineering for Donna V. Spitzer for a **Preliminary and Final Plat** on Lots 13A and 13B of Lot 13 in Block 4 of Green Valley Estates, formerly all of Lot 13 in Block 4 of Green Valley Estates, located in the SE1/4 and S1/2 NE1/4 of Section 23, T1N, R8E, BHM, Pennington County, South Dakota, located east of the intersection of Greenwood Lane and Green Drive on the south side of Green Drive. (CONTINUE TO NOVEMBER 20, 2000)
96. No. 00PL106 - An application by Dream Design for Doyle Estes for a **Layout Plat** on the west 340 feet of the unplatted portion of the S1/2 of the N1/2 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located approximately 1000 feet north of Jolly Lane Road off of Race Track Road. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of the Preliminary Plat, a topographic survey by a licensed surveyor and grading plans shall be submitted for review and approval;2) Upon submittal of the Preliminary Plat, a complete drainage plan per the Racetrack Drainage Basin Design Plans shall be submitted for review and approval. The drainage plan shall include the design of an outlet channel for the proposed detention facility to insure that adequate drainage easements are provided; 3) Upon submittal of the Preliminary Plat, a Utility Master Plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and water mains to the subject property and the property located directly north of the subject property shall be submitted for review and approval; 4) Upon submittal of the Preliminary Plat, a complete street design plan shall be submitted showing the location of utilities, storm drainage, curb and gutter, street light conduit and sidewalk improvements; 5) Prior to Final Plat approval by the Planning Commission, major drainage easements shall be shown on the plat as required by the Engineering Division; 6) Prior to Final Plat approval by the City Council, the plat shall be revised to show East 39th Street as Jolly Lane; 7) Prior to Final Plat approval by the City Council, the plat shall be revised to preclude the construction of a cul-de-sac in excess of 1,200 feet or a Special Exception to the Street Design Criteria Manual shall be obtained; 8) Prior to Final Plat approval by the City Council, the rezoning request from No Use District to Low Density Residential District shall be effective; 9) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 10) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.)
97. No. 00RD003 - A application by Leo Hamm Family Ranch and Harley Taylor for a **Resolution changing that portion of the road named Rolling Thunder Trail located within the city limits of Rapid City, the unnamed portion of the section line right-of-way, and the unnamed access easement to Shooting Star Trail** on the 66 foot access easement shown on Lot 2, Block 3 of the Plat of Wildwood Subdivision, including Lots 1 thru 5, Block 1 Lots 1 thru 4, 7 thru 17, 32 thru 42, Block 2, Lots 1 thru 5 and Lots 22 & 23, Block 3 located in W1/2 SE1/4 & portions of the E1/2 SE1/4 & E1/2 SW1/4 of Section 21, T1N, R7E, BHM, Pennington County, South Dakota and that portion of the section line highway lying between the SW1/4 SE1/4 Section 21 and the NW1/4 NE1/4 Section 28, T1N, R7E, BHM, Pennington County,

South Dakota, located south and west of Wildwood Subdivision. (CONTINUE TO NOVEMBER 20, 2000)

End of Consent Calendar

The Mayor presented No. 00PL066, an application by Sandra Runde for Franklin Simpson for a **Preliminary and Final Plat** on Tract A of Fountain View Subdivision in the E1/2 NW1/4 SW1/4 Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of the existing terminus of Harmony Heights Lane. Motion was made by Kroeger, seconded by Dreyer and carried to approve the Preliminary Plat with the following stipulations, and continue the Final Plat until November 20, 2000: 1) Prior to approval of the Final Plat by the City Council or the commencement of any construction of the required improvements, engineering plans submitted by the applicant shall be revised as necessary and approved by the Engineering Division; 2) Prior to Final Plat approval by the City Council, Anamosa Street right-of-way shall be identified and dedicated on the plat; 3) Prior to Preliminary Plat approval by the City Council, the applicant shall revise the engineering plans to identify one additional fire hydrant. Maximum spacing between fire hydrants shall be 450 feet; 4) Prior to City Council approval of the Preliminary Plat, engineering plans shall be submitted for temporary turnarounds for all dead end streets for review and approval; 5) Prior to Final Plat approval by the City Council, additional right-of-way shall be identified on the plat at the east end of Harmony Heights to facilitate a "T"-intersection which shall provide a street to the property to the southeast; 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; and, 7) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted or a Waiver of Right to Protest Future Assessment Project shall be signed for the Anamosa Street improvements.

The Mayor presented No. 99PL107, an application by Renner & Sperlich for Steve Lester for a **Final Plat** on Lots 1 & 2 of Lot K-4 (formerly the Balance of Lot K-4 less Lot H-1) of Marshall Heights Tract located in the NE1/4 of the SW1/4 of Section 30, T2N, R8E, BHM Rapid City, Pennington County, South Dakota, located at the intersection of Rapp Street and LaCrosse Street. Motion was made by Kroeger, seconded by Hadley and carried to continue this item until November 20, 2000.

The Mayor presented No. 00PL104, an application by FMG, Inc. for Dean Kelly Construction for a **Layout Plat** on Lots 1 through 10 of Sunshine Hills Subdivision, Section 21, T1N, R7E, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Sheridan Lake Road and north of Wildwood Subdivision. Motion was made by Kroeger, seconded by Hanks and carried to approve the requested Layout Plat, with the following stipulations: 1) Prior to Preliminary Plat approval by the Planning Commission, complete engineering plans and related information as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval; 2) A residential style turnaround shall be constructed on proposed Lots 8, 9, and 10. Prior to Final Plat approval, a note shall be placed on the plat stating these lots require a residential style turnaround to be reviewed and approved by the Rapid City Fire Department; 3) A fire hydrant shall be located within five hundred feet of any structure located on Lot 9 and 10 or a residential sprinkler system shall be required in any dwelling units constructed on Lots 9 and 10; 4) The minimum width for any driveway shall be twelve feet; 5) Prior to any construction, an air quality permit shall be obtained; 6) Prior to Final Plat approval, an additional eleven feet of right-of-way shall be dedicated along Sheridan Lake Road; 7) A non-access easement shall be retained along the Sheridan Lake Road frontage except for street intersection; 8) Access to proposed Lots 9 and 10 shall be constructed as a twenty foot paved section to the west boundary of proposed Lot 8 and individual driveways shall be extending to each lot from that point; 9) Lot 10 shall be revised to exclude the long flagpole configuration. The lot shall not extend past the boundary of proposed Lot 7; 10) Prior to Preliminary Plat approval, a Final Development Plan shall be

submitted for review and approval by the City Council; 11) Prior to Preliminary Plat approval, construction plans for the extension of Sunshine Trail to the point where it exceeds 12 percent grade shall be submitted for review and approval; 12) Prior to Final Plat approval, a minimum of 52 feet of right-of-way shall be dedicated for Sunshine Trail and the proposed cul-de-sac; 13) 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; and, 14) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted.

Planning Department - Hearings

The Mayor presented No. 00CA011, an application by Dream Design for Doyle Estes for a **Amendment to the Elk Vale Neighborhood Area Future Land Use Plan, which is an amendment to the Comprehensive Plan, to change the future land use designation on an approximate 3.04 acre parcel from Public with an alternate designation of General Commercial with a Planned Commercial Development to Low Density Residential** on the west 340 feet of the unplatted portion of the S1/2 of the N1/2 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located approximately 1000 feet north of Jolly Lane Road off of Race Track Road. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until November 20, 2000.

The Mayor presented No. 00CA012, an application by Sandra Runde for a **Amendment to the North Rapid Neighborhood Area Future Land Use Plan, which is an amendment to the Comprehensive Plan, to change the future land use designation on an approximate 1.47 acre parcel from General Commercial to Light Industrial with a Planned Light Industrial Development Overlay** on Lot D of Lot 1 of Adams Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1055 East Chicago Street. Motion was made by Kroeger, seconded by Hadley and carried to approve the requested Amendment.

The Mayor presented No. 99PD039, an application by Robb Schlimgen for a **Planned Commercial Development Initial and Final Development Plan** on Lot 2 of Lot K-4 of Marshall Heights Tract located in SW1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of LaCrosse Street and Rapp Street. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until November 20, 2000.

The Mayor presented No. 00PD046, an application by McMahon Investments, Inc. for a **Planned Development Designation** on the following property: Commencing at the Center of Section 24, travel east 46 feet, thence turn South and travel 140 feet to the point of beginning. From the point of beginning, travel east 417.42 feet, thence South 430.97 feet, thence west 417.24 feet, thence north 430.97 feet to the Point of Beginning. All located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota containing 4.19 acres, more or less; and commencing at the Center of Section 24, travel west 54 feet, thence turn south and travel 375 feet to the Point of Beginning. From the Point of Beginning, travel South 1588.50 feet, thence west 400 feet, thence north 1548.01 feet thence 272.76 feet at a bearing of N 81°56'08" E thence east 114.24 feet to the Point of Beginning. All located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota. Containing 14.45 Acres, more or less, located approximately 1/4 mile north of Mall Drive on Haines Avenue. Motion was made by Kroeger, seconded by Hadley and carried to approve the Designation in conjunction with the associated rezoning request and with the stipulation that no off-premise signs shall be allowed until a Final Development Plan is approved.

The Mayor presented No. 00PD047, an application by Sandra Runde for a **Planned Light Industrial Development - Initial and Final Development Plan** on Lot D of Lot 1 of Adams Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota,

located at 1055 East Chicago Street. Motion was made by Kroeger, seconded by Dreyer and carried to approve the Development Plan, with the following stipulations: 1) Prior to City Council approval, the applicant shall provide a triangle shaped major drainage easement provided north and east of the existing major drainage easement to the corner of the property. This easement shall extend along the portion of vacated Riley Avenue that is located on this property. 2) Prior to City Council approval, the applicant shall provide an on-site fire hydrant as required as part of the original Building Permit approval. The location of the fire hydrant shall be coordinated with the Fire Department; 3) Access to within 150 feet of all points of the building shall be maintained at all times; 4) All outdoor storage shall be screened by seven foot solid wood, vinyl, or similar material (approved by the Planning Director) screening fence. The finished side of the fence shall face towards the neighboring properties. 5) All outdoor storage areas shall be either paved or a dust palliative approved by the Rapid City Engineering Division shall be utilized to insure the area is maintained in a dust free manner; 6) The outdoor storage identified on the south portion of the lot shall not include any area identified as grass on the site plan; 7) Prior to issuance of a Building Permit, the applicant shall submit a revised parking plan identifying 32 parking spaces of which 2 parking spaces shall be accessible for person with disabilities; 8) That 85 percent of the required landscaping points be allowed in the public right-of way. If in the future the landscaping needs to be removed for a street or utility project, the owner of the property will be responsible to provide the required landscaping on the property; 9) No fencing shall be allowed in the shared access easement; 10) A twenty foot side yard setback shall be allowed on the west side of the property; however, no additional encroachments or expansions of the existing building shall be allowed unless a Major Amendment is approved; and, 11) The use of the property shall be limited to a retail and distribution establishment. Any change of use will require a Major Amendment to the Planned Light Industrial Development.

The Mayor presented No. 00PD048, an application by Dream Design International for Rushmore Carwash, Inc. for a **Planned Development Designation** on A parcel of land located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the NE Corner of the intersection of Sheridan Lake Road and Catron Boulevard Right-of-ways, thence N00°03'41"W, 558.15 feet to the True Point of Beginning; thence N00°03'41"W along said right of way line 362.92 feet; thence departing said right of way line, N89°21'15"E, 13.92 feet to a point lying on the southerly boundary line of Autumn Hills Subdivision; thence along said southerly boundary line the following three courses: thence N89°20'21"E, 60.09 feet; thence N89°21'08"E, 64.99 feet; thence N89°19'52"E, 84.47 feet; thence departing said southerly line, S11°18'01"E, 244.96 feet; thence S65°11'42"W along the northerly line of Lot 1 of Autumn Hills Plaza Subdivision, 298.61 feet to the True Point of Beginning, containing 1.747 acres, more or less, located at the intersection of Catron Boulevard and Sheridan Lake Road. Dreyer abstained from discussion or voting on this item. Motion was made by Kroeger, seconded by Hanks and carried to approve the Designation in conjunction with the associated rezoning request, with the condition that no sign permits or billboards shall be allowed unless approved as part of a Final Development Plan

The Mayor presented No. 00PD049, an application by Dream Design for Doyle Estes for a **Planned Development Designation** on the west 340 feet of the unplatted portion of the S1/2 of the N1/2 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located approximately 1000 feet north of Jolly Lane Road off of Race Track Road. Motion was made by Kroeger, seconded by Dreyer and carried to continue this item until November 20, 2000.

The Mayor presented No. 00SE009, an application by Scott J. Kenner for South Dakota School of Mines and Technology for a **Special Exception to the Flood Area Construction Regulations to allow water-monitoring structures in the floodway** on Tracts 1-3, Thompson Tract, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota,

located on Rapid Creek downstream of East Saint Patrick Street bridge. Motion was made by Kroeger, seconded by Munson and carried to approve the request.

The Mayor presented No. 00SV020, an application by Dream Design International for a **Variance to the Subdivision Regulations to waive the requirement for paving, curb, gutter, sidewalks street light service, sewer and water** on Lot 1 of Shooting Star Subdivision, located in the unplatted portion of the SE1/4 SW1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southwest of Wildwood Subdivision and north of Rolling Thunder Trail. Motion was made by Kroeger, seconded by Hadley and carried to approve the Variance to allow the platting of one-half of a public right-of-way, and deny the Variance to waive the requirement for paving, curb, gutter, sidewalks, street light service, sewer and water.

The Mayor presented No. 00SV022, an application by FMG, Inc. for Dave Olson for a **Variance to the Subdivision Regulations** to allow lots twice as long as they are wide, waive the requirement for curb and gutter and sidewalk requirements along southside drive, waive the requirement for sanitary sewer construction and street lights on Lots 1, 2, and Tract A of Winton Subdivision #2 and dedicated right-of-way, formerly Lots 3 and 4 of Eisenbraun Subdivision and unplatted, located in NW1/4 NE1/4 Section 26, T1N, R8E, BHM, Pennington County, South Dakota, located south of Southside Drive and west of Anderson Road. Motion was made by Kroeger and seconded by Munson to approve the Variance to the Subdivision Regulations to allow lots twice as long as they are wide, waive the requirement for curb and gutter and sidewalk requirements along Southside Drive, waive the requirement for sanitary sewer construction and street lights for proposed Lots 1, 2, and Tract A of Winton Subdivision #2 only, and that the variance shall not apply to the balance of the master plan for the subject property. Hanks added the following amendment: That sewer outlets from the foundation be taken from the sides rather than the rear. Elkins stated that this could be handled as a note on the plat so that the property owners are made aware of the stipulation. Upon vote being taken, the motion carried unanimously.

The Mayor presented No. 00SV023, an application by Fisk Engineering for Donna V. Spitzer for a **Variance to the Subdivision Regulations to waive the requirement for sidewalk, curb, gutter, street lights and dry sewer** on Lots 13A and 13B of Lot 13 in Block 4 of Green Valley Estates, formerly all of Lot 13 in Block 4 of Green Valley Estates, located in the SE1/4 and S1/2 NE1/4 of Section 23, T1N, R8E, BHM, Pennington County, South Dakota, located east of the intersection of Greenwood Lane and Green Drive on the south side of Green Drive. Motion was made by Kroeger, seconded by Hadley and carried to continue this item until November 20, 2000.

The Mayor presented No. 00UR025, an application by Sara and Blair Anhorn for a **Use on Review to allow a Child Care Center** on the south 156.52 feet of Lot C of the SW1/4 of the SE1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2710 North Haines Avenue. Motion was made by Kroeger, seconded by Hadley and carried to continue this item until November 20, 2000.

The Mayor presented No. 00UR033, an application by Jeff's Construction for Bob & Tina Mysliweic for a **Use on Review to allow a private residential garage and accessory structures in excess of 1,000 square feet** on Lot 23, Block 4 of Springbrook Acres, located in the SE1/4 of SW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2611 Mountain Meadow Road. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until November 20, 2000.

The Mayor presented No. 00UR035, an application by Scott J. Kenner for South Dakota School of Mines and Technology for a **Use on Review to allow a water monitoring device in the Flood Hazard Zoning District** on Tracts 1-3, Thompson Tract, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on Rapid Creek downstream of

East Saint Patrick Street bridge. Motion was made by Kroeger, seconded by Munson and carried to approve the requested Use on Review, with the following stipulations: 1) That a Special Exception to the Flood Area Construction Regulations is granted; 2) That any changes in the final location of the structure shall be allowed subject to review and approval of the Engineering Division; 3) This Use on Review shall automatically 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; and, 4) That all currently unpaid fees for mailing lists in the amount of \$120 associated with the current and previously approved Use on Reviews for water monitoring stations be paid prior to City Council consideration of the current request.

The Mayor presented No. 00UR036, an application by Dream Design International for Dan O'Brien for a **Use on Review to allow a warehouse in excess of 5,000 square feet in the General Commercial Zoning District** on Lot 10 of Tract E of Deadwood Avenue Tract, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Plant Street at the intersection of Deadwood Avenue and Lien Street. Motion was made by Kroeger, seconded by Hadley and carried to approve the requested Use on Review, with the following stipulations: 1) The proposed building shall be sprinkled as shown on the site plan and the sprinkler system shall be designed for the most hazardous type/classification of storage; 2) A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy; 3) Upon submittal of a building permit, Architect/Engineered stamped plans shall be submitted; 4) All truck traffic shall enter and/or exit the property from Plant Street. No trucks shall be allowed to enter or exist the property from Deadwood Avenue. In addition, a sign shall be posted on the property directing all truck traffic to the Plant Street approach; 5) Prior to City Council approval, the site plan shall be revised to show a minimum of seven (7) handicap parking spaces and a loading space area adjacent to the loading dock with a 45 foot turning radius; 6) Prior to City Council approval, a bond shall be secured to insure that the required landscaping be planted no later than May 1, 2001; 7) That approval of this Use On Review allows vehicles exceeding 1 ½ ton rated capacity to access the property in the General Commercial District, and 8) That approval of this Use On Review shall expire if the use for which it was granted has ceased for a period of two years or more, or if the use as approved has not been completed within two years of the approval.

The Mayor presented No. 00UR037, an application by City of Rapid City for a **Major Amendment to a Use On Review to all public recreational structures, including: a softball field, an expanded parking lot, restrooms, a concession stand, a skateboard park, basketball courts, exercise stations, bike paths and lighting, as well as allowing transient amusement enterprises, including carnivals and festivals** on Tract 24 of Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of 3rd Street and New York Street. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until December 4, 2000.

The Mayor presented No. 00VR003, an application by Gikling Family Limited Partnership for a **Vacation of Right-of-Way** on Lot 32, Block 5, Simmons Addition, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Elm Avenue and E. Omaha Street. Motin was made by Kroeger, seconded by Hanks and carried to continue this item until November 20, 2000.

Ordinances & Resolutions

The Mayor announced the meeting was open for hearing on **Ordinance 3613**, an application by McMahan Investments, Inc. for a **Rezoning from General Agriculture District and Low Density Residential District to General Commercial District** on the following described property: Commencing at the Center of Section 24, travel east 46 feet, thence turn South and travel 140 feet to the point of beginning. From the point of beginning, travel east 417.42 feet,

thence South 430.97 feet, thence west 417.24 feet, thence north 430.97 feet to the Point of Beginning. All located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota containing 4.19 acres, more or less; and property described by metes and bounds commencing at the Center of Section 24, travel west 54 feet, thence turn south and travel 375 feet to the Point of Beginning. From the Point of Beginning, travel South 1588.50 feet, thence west 400 feet, thence north 1548.01 feet thence 272.76 feet at a bearing of N 81°56'08" E thence east 114.24 feet to the Point of Beginning. All located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota. Containing 14.45 Acres, more or less, located approximately 1/4 mile north of Mall Drive on Haines Avenue. Motion was made by Johnson, seconded by Munson and carried to continue this hearing until November 20, 1000.

The Mayor announced the meeting was open for hearing on **Ordinance 3614** an application by Sandra Runde for a **Rezoning from General Commercial District to Light Industrial District** on Lot D of Lot 1 of Adams Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1055 East Chicago Street. Notice of hearing was published in the Rapid City Journal on October 21 and October 28, 2000. Ordinance 3614, having had the first reading on October 16, 2000, it was moved by Johnson and seconded by Munson that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Steinburg, Munson, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3614 the second time.

The Mayor announced the meeting was open for hearing on **Ordinance 3615** an application by Walgar Development Corp. for a **Rezoning from Low Density Residential District to Low Density Residential II District** on the following described property: A portion of Tract A of Robbinsdale Addition No. 10, and a portion of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the southeast corner of Lot 16 Revised of Block 23 of Robbinsdale Addition No. 10, common with the northerly edge of right-of-way for East Minnesota Street, and the Point of Beginning; Thence, first course: N24 39'00"W, along the easterly boundary of said Lot 16 Revised of Block 23, a distance of 113.92 feet; Thence, second course: N65 42'16"E, a distance of 119.46 feet; Thence, third course: N67 31'50"E, a distance of 60.09 feet; Thence, fourth course: N65 37'01"E, a distance of 124.03 feet, to a point on the southwesterly boundary of Lot 4 of Block 24 of Robbinsdale Addition No. 10; Thence, fifth course: S24 20'00"E, along the southwesterly boundary of said Lot 4 of Block 24, a distance of 106.08 feet, to the southwesterly corner of said Lot 4 of Block 24, common with the northerly edge of right-of-way for East Minnesota Street; Thence, sixth course: S64 33'00"W, along the northerly edge of right-of-way for said East Minnesota Street, a distance of 302.98 feet, to the southeast corner of said Lot 16 Revised of Block 23, and the Point of Beginning; Said Parcel contains 33,335 square feet or 0.765 acres more or less, located at the intersection of Minnesota Street and Maple Street. Motion was made by Johnson, seconded by Munson and carried to continue this item to November 20, 2000.

The Mayor announced the meeting was open for hearing on **Ordinance 3616** an application by Dream Design International for Rushmore Carwash, Inc. for a **Rezoning from General Commercial District to Low Density Residential District** on the following property: A parcel of land located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the NE corner of the intersection of Sheridan Lake Road and Catron Boulevard right of ways; thence N0°02'33"E along the easterly right of way line of Sheridan Lake Road, 760.00 feet to the True Point of Beginning; thence S89°57'27"E, 255.75 feet; thence S11°18'01"E, 79.31 feet; thence S65°11'42"W, 298.61 feet to a point lying on said easterly right of way line of Sheridan Lake Road, thence N0°02'33"E, along said easterly right of way line, 203.24 feet to the True Point of Beginning, containing 0.861 acres, more or less, located at the intersection of Catron Boulevard and Sheridan Lake Road. Dreyer abstained from discussion or voting on this item.

Notice of hearing was published in the Rapid City Journal on October 21 and October 28, 2000. Ordinance 3616, having had the first reading on October 16, 2000, it was moved by Johnson and seconded by Munson that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Steinburg, Munson, Kroeger, Hadley and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3616 the second time.

The Mayor announced the meeting was open for hearing on **Ordinance 3617** an application by Dream Design for Doyle Estes for a **Rezoning from No Use District to Low Density Residential District** on the west 340 feet of the unplatted portion of the S1/2 of the N1/2 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located approximately 1000 feet north of Jolly Lane Road off Race Track Road. Motion was made by Johnson, seconded by Munson and carried to continue this item until November 20, 2000.

Ordinance 3618, Supplemental Appropriation No. 9 for 2000, was introduced. Upon motion made by Johnson, seconded by Munson and carried, Ordinance 3618 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 20, 2000.

Legal & Finance Committee

The next item before the Council was No. 00ID001, Rapid City Infrastructure Development Partnership Fund Request – **Elm Avenue Extension**. Motion was made by Dreyer and seconded by Hanks to approve the request. Mayor Shaw explained that the City recently established the Infrastructure Development Partnership Fund with an initial investment of \$5 million. These dollars would fund water, sewer, street and other infrastructure projects throughout the community. There is also \$1.5 Million available in the CIP Fund which can be used for infrastructure. Johnson urged the Council to continue this item for two weeks so that the issue could be researched and funding options explored. Johnson stated that he feels Fifth Street is the most important connection to the community and the City should guide development and not have the development community guide Rapid City. Johnson expressed concern about projects that were previously approved from this fund and added that he feels the council must make sure that we don't "nickel and dime" the fund away. We must make sure that funding is available for the Fifth Street Extension project. Munson concurred with Johnson's concerns noting that the Council should make sure funding is available for 5th Street before other projects are considered. Substitute motion was made by Munson and seconded by Johnson to continue this item until November 20, 2000. Dreyer stated that the Council established rules for this fund. One of the rules was that projects would be funded as they were submitted by the development community. If Fifth Street was the most important project for this fund, it should have been established that way from the beginning. Hanks agreed that the rules were established for this fund; first come first serve. If the developers of Elm Street are ready to go, they should have access to this fund. Hanks added that the City doesn't have approval from all the land owners on 5th Street yet. Hanks stated that he is not comfortable changing the role of the development community. The Council members had lengthy discussion on the Fifth and Elm Street projects and how these projects and others can be funded. Hadley called the question and there were no objections. Roll call vote was taken on the motion to continue: AYE: Hadley, Johnson, Munson, Kriebel and Steinburg; NO: Murphy, Hanks, Kroeger and Dreyer. Substitute motion carried, 5-4.

Motion was made by Johnson and seconded by Munson to continue **No. 00ID002**, Rapid City Infrastructure Development Partnership Fund Request – 15" Sanitary Sewer Service Extension from Highway 79 to Fifth Street, until November 20, 2000. Hanai Shafai from Dream Design International explained that the Elm Street and Fifth Street projects are related to each other and each will provide solutions to development issues in this area. He encouraged the Council to find funding for both project. Upon vote being taken, the motion carried with Hanks voting no.

Motion was made by Johnson, seconded by Hadley and carried to reconsider the action taken on October 16, 2000 relative to **No. 00PL089, Preliminary and Final Plat** for Valley Ridge Subdivision. Motion was made by Johnson, seconded by Munson and carried to approve the Preliminary Plat with the following stipulations, and continue the final plat until November 20, 2000: 1) That prior to City Council approval of the Preliminary Plat, the Engineering Division shall have approved of the drainage information including that related to the drainage detention facility; 2) Prior to Final Plat approval, the petitioner shall have completed the required Subdivision Improvements Estimate form and paid the required Subdivision Inspection Fees; 3) Prior to Final Plat approval, the petitioner shall post financial surety for any incomplete subdivision improvements; 4) Prior to City Council approval of the Preliminary Plat, all required "red-line" changes shall be made to the plat and plans; 5) Prior to City Council approval of the Preliminary Plat, the Pennington County Highway Department shall have reviewed and approved of the drainage/detention plans; 6) Prior to final plat approval, the petitioner shall have revised the plat to reflect the dedication of right-of-way for the Meadow Lane turn-around and shall have either constructed the turn-around or posted financial surety to cover its construction; 7) Prior to City Council approval of the final plat, non-access easements shall be provided along the first fifty feet of corner lots on either side of the street 8) Prior to City Council approval of the final plat, the petitioner shall have received the preliminary approval of the Pennington County Register of Deeds Office to ensure that the legal description is acceptable and that lots are labeled correctly; 9) Prior to any construction occurring on the site, the developers must schedule a pre-construction meeting with the Rapid Valley Sanitary District and all infrastructure must be built to the Sanitary District standards; 10) Prior to approval by the City Council of a final plat for any portion of Valley Ridge Subdivision Phase III, the applicant shall prepared plans and specifications for the construction of the detention pond, identified as element 103 in the County Heights Drainage Basin Plan, and award contracts as necessary for the construction of the facility. The City Engineering Division and the Pennington County Highway Department shall approve the plans and specifications prior to construction. Copies of the executed contract documents shall be submitted to the City Engineering Division. 11) Prior to approval by the City Council of the final plat for more than 21 lots of the subdivision, construction of the detention pond shall be completed and approved by the City Engineering Division and the Pennington County Highway Department; and 12) Prior to City Council approval of any final plat for the subdivision, easements for the area of the detention pond shall be prepared and recorded with the Pennington County Register of Deeds by the applicant.

The next item before the Council was No. LF110100-19, authorize Mayor and Finance Officer to sign Contract with the team of **Dougherty/Dain Rauscher** to issue a seven year Revenue Bond in the amount of \$23,920,000 to Fund the 2012 Plan. Preston noted that this information is contained in the bond resolutions and therefore this item is not necessary. Motion was made by Johnson, seconded by Munson and carried to table this item.

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

A RESOLUTION AUTHORIZING THE ISSUANCE OF SALES TAX REVENUE BONDS, SERIES 2001B OF THE CITY OF RAPID CITY, SOUTH DAKOTA; PLEDGING A PORTION OF THE SALES TAX RECEIPTS OF THE CITY TO THE PAYMENT OF SAID BONDS; AUTHORIZING OFFICERS OF THE CITY TO APPROVE, EXECUTE AND DELIVER CERTAIN AGREEMENTS AND DOCUMENTS RELATING TO THE BONDS

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

Section 1. Findings. It is hereby found, determined and declared that:

(A) The City of Rapid City, in the County of Pennington and State of South Dakota (the "City"), is a political subdivision of the State of South Dakota and a body corporate and politic.

(B) Under the laws of the State of South Dakota, the City is possessed of all powers which are necessary, requisite or proper for the government and administration of its local and municipal matters, and all rights and powers that now or hereafter may be granted to municipalities by the laws of the State of South Dakota.

(C) The City is authorized by Chapter 10-52, South Dakota Codified Laws (the "Act") to levy a "non-ad valorem tax" (as defined by the Act) on the sale, use, storage and consumption of items taxed under Section 10-45 and 10-46 of the South Dakota Codified Laws, subject to certain exceptions; and the City has adopted and enacted Chapter 3.16 of the Rapid City Municipal Code (the "Ordinance") pursuant to the Act imposing the sales tax authorized by the Act within the City, such tax being hereinafter referred to as the "Sales Tax".

(D) The City may issue municipal non-ad valorem tax revenue bonds pursuant to Section 10-52-2.10 of the Act and Chapter 6-8B, South Dakota Codified Laws in anticipation of the collection of the Sales Tax. Such bonds are required to be payable solely from collections of the Sales Tax, and the City is required to covenant that it will continue to impose and collect the Sales Tax so long as such bonds are outstanding.

(E) As authorized by the Ordinance and the Act, the City has determined that it is necessary and desirable to issue sales tax revenue bonds to be designated "City of Rapid City, South Dakota, Sales Tax Revenue Bonds, Series 2001B" (the "Series 2001B Bonds"), for the purpose of paying the costs of various capital expenditures, funding a reserve fund, and paying the costs of issuance of the Series 2001B Bonds and the premium for bond insurance, if any. The Series 2001B Bonds will be issued pursuant an Indenture of Trust (the "Indenture"), between the City and The First National Bank in Sioux Falls South Dakota (the "Trustee").

Section 2. Authorization of Bonds.

(A) The City hereby authorizes the issuance of the Series 2001B Bonds in accordance with the provisions of the Act, the Ordinance, the Indenture and this Resolution. The Series 2001B Bonds shall be issued in a principal amount not to exceed \$2,000,000, plus any additional principal amount of bonds (not exceeding 2% of the principal amount of the bonds) necessary as an allowance for original issue discount; all subject to the limitations of the laws of the State of South Dakota and of the Internal Revenue Code of 1986 (the "Code").

(B) The Series 2001B Bonds shall be issued in such form, mature at the time or times and on such terms, consistent with this Resolution, as shall be provided in the Indenture and other agreements whose execution and delivery is authorized by Section 5 of this Resolution, provided that the Series 2001B Bonds shall not mature later than five years from the date of issue.

(C) The Series 2001B Bonds shall bear interest at the rate or rates per annum provided in the Indenture authorized by Section 5 of this Resolution, but the average coupon interest rate of the Series 2001B Bonds shall not exceed 5.00% per annum.

(D) The Series 2001B Bonds shall be special, limited obligations of the City, payable solely from the Sales Tax and other moneys pledged therefor. The Series 2001B Bonds shall not be payable from any general or other fund of the City, and the Series 2001B Bonds shall not constitute general obligations of the city.

Section 3. Pledge of Sales Tax. A portion of the Sales Tax collections shall be pledged and appropriated to the payment of the Series 2001B Bonds as set forth in the Indenture and any supplements thereto.

Section 4. Retention of Managing Underwriter and Bond Counsel and Disclosure Counsel. The City hereby retains Dougherty & Company, LLC, in Sioux Falls, South Dakota, as senior managing underwriter, together with such other underwriters as may be named in the Bond Purchase Agreement described below, for the purpose of underwriting the Series 2001B Bonds. The City hereby retains the firm of Dorsey & Whitney LLP, Minneapolis, Minnesota, to act as bond counsel and disclosure counsel with respect to the Series 2001B Bonds.

Section 5. Authorization of Documents. In connection with the authorization, issuance and delivery of the Series 2001B Bonds, the officers of the City designated by Section 6 of this Resolution shall enter into, execute and deliver the following indenture, agreements and documents:

(A) the Indenture to provide for the issuance of the Series 2001B Bonds and setting forth the terms thereof;

(B) the Bond Purchase Agreement or similar agreement providing for sale of the Series 2001B Bonds at an underwriters' discount not exceeding 0.90% and an original issue discount not exceeding 2% of the principal amount of the Series 2001B Bonds;

(C) a continuing disclosure agreement or undertaking satisfying the requirements of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended; and

(D) such other documents, agreements or instruments as may be necessary to make covenants and recite facts required to demonstrate the validity and enforceability of Series 2001B Bonds under the laws of the State of South Dakota and to assure the exclusion of the interest thereon from the gross income of the owners of the Series 2001B Bonds under the Code and to effectuate the terms and intent of this Resolution. The execution and delivery of such indenture, agreements and documents is hereby authorized and directed, the indenture, agreements and documents to be in such form and to contain such terms, consistent with this Resolution, as the officers of the City designated herein shall determine to be necessary and desirable.

Section 6. City Officers. The Mayor, City Finance Officer and City Attorney of the City are hereby authorized and directed to execute and deliver the indenture, agreements and documents authorized by Section 5 hereof. Execution and delivery of such items by the Mayor, City Finance Officer and City Attorney shall constitute evidence that such items are consistent with the terms of this Resolution and have been duly authorized, executed and delivered by the City and are enforceable against the City in accordance with their terms, subject to customary exceptions relating to bankruptcy, reorganization, insolvency and other laws affecting creditors' rights. The Mayor, City Finance Officer and City Attorney are further authorized to take such other actions as may be required to effectuate the terms and intent of this Resolution. In the event of the absence or disability of the Mayor, City Finance Officer or City Attorney, the President of the City Council, the Assistant Finance Officer or the Assistant City Attorney are hereby authorized to act in the place and stead of the Mayor, City Finance Officer and City Attorney, and to take all actions and execute all documents approved hereby.

Section 7. Ratification. All actions heretofore taken by the City or any of its officers in connection with the Series 2001B Bonds are hereby ratified and confirmed.

Section 8. Amendment. This Resolution may be amended at any time prior to the issuance of the Series 2001B Bonds by adoption of an administrative resolution.

Dated this 6th day of November, 2000.

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

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

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

A RESOLUTION AUTHORIZING THE ISSUANCE OF SALES TAX REVENUE BONDS, SERIES 2000 AND SERIES 2001A OF THE CITY OF RAPID CITY, SOUTH DAKOTA; PLEDGING A PORTION OF THE SALES TAX RECEIPTS OF THE CITY TO THE PAYMENT OF SAID BONDS; AUTHORIZING OFFICERS OF THE CITY TO APPROVE, EXECUTE AND DELIVER CERTAIN AGREEMENTS AND DOCUMENTS RELATING TO THE BONDS

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

Section 1. Findings. It is hereby found, determined and declared that:

(A) The City of Rapid City, in the County of Pennington and State of South Dakota (the "City"), is a political subdivision of the State of South Dakota and a body corporate and politic.

(B) Under the laws of the State of South Dakota, the City is possessed of all powers which are necessary, requisite or proper for the government and administration of its local and municipal matters, and all rights and powers that now or hereafter may be granted to municipalities by the laws of the State of South Dakota.

(C) The City is authorized by Chapter 10-52, South Dakota Codified Laws (the "Act") to levy a "non-ad valorem tax" (as defined by the Act) on the sale, use, storage and consumption of items taxed under Section 10-45 and 10-46 of the South Dakota Codified Laws, subject to certain exceptions; and the City has adopted and enacted Chapter 3.16 of the Rapid City Municipal Code (the "Ordinance") pursuant to the Act imposing the sales tax authorized by the Act within the City, such tax being hereinafter referred to as the "Sales Tax".

(D) The City may issue municipal non-ad valorem tax revenue bonds pursuant to Section 10-52-2.10 of the Act and Chapter 6-8B, South Dakota Codified Laws in anticipation of the collection of the Sales Tax. Such bonds are required to be payable solely from collections of the Sales Tax, and the City is required to covenant that it will continue to impose and collect the Sales Tax so long as such bonds are outstanding.

(E) The City has heretofore issued Sales Tax Revenue, Series 1995C (the "Series 1995C Bonds"), in the original aggregate principal amount of \$20,605,000 pursuant to a resolution adopted by the Common Council on March 6, 1995, as amended by a resolution adopted on June 19, 1995), and an Indenture of Trust, dated as of July 1, 1995 (the "Original Indenture of Trust"), between the City and The First National Bank in Sioux Falls, in Sioux Falls, South Dakota (the "Trustee").

(F) As authorized by the Ordinance and the Act, the City has determined that it is necessary and desirable to issue additional sales tax revenue bonds under Sections 4-1 and 4-2 of the

Original Indenture, in two series to be designated "City of Rapid City, South Dakota, Sales Tax Revenue Bonds, Series 2000" (the "Series 2000 Bonds") and "City of Rapid City, South Dakota Sales Tax Revenue Bonds, Series 2001A (the "Series 2001 Bonds," together with the Series 2000 Bonds, the "Bonds"), the proceeds of which would be used, together with any additional funds of the City which might be required, (i) to finance costs of land acquisition and construction of improvements of the kinds authorized by the Ordinance, (ii) to make a deposit to the Reserve Fund created under the Indenture (as hereinafter defined), and (iii) to pay the costs of issuance of the Bonds and the premium for bond insurance, if any. The Bonds will be issued pursuant the Original Indenture, as amended and supplemented by a First Supplemental Indenture of Trust (the "Supplemental Indenture," the Original Indenture, as amended and supplemented by the Supplemental Indenture is referred to herein as the "Indenture"), between the City and the Trustee.

Section 2. Authorization of Bonds.

(A) The City hereby authorizes the issuance of the Bonds in accordance with the provisions of the Act, the Ordinance, the Indenture and this Resolution. The Series 2000 Bonds and the Series 2001 Bonds shall be issued in principal amounts not to exceed \$10,000,000 and \$14,000,000, respectively, plus any additional principal amount of bonds (not exceeding 2% of the principal amount of the bonds) necessary as an allowance for original issue discount; all subject to the limitations of the laws of the State of South Dakota and of the Internal Revenue Code of 1986 (the "Code"). The Original Indenture permits the issuance of additional bonds payable on a parity with the Series 1995 Bonds; and it is hereby found that the tests set forth in the Original Indenture for the issuance of additional bonds can be met.

(B) The Bonds shall be issued in such form, mature at the time or times and on such terms, consistent with this Resolution, as shall be provided in the Supplemental Indenture and other agreements whose execution and delivery is authorized by Section 5 of this Resolution, provided that neither series of Bonds shall mature later than seven years from its date of issue.

(C) The Bonds shall bear interest at the rate or rates per annum provided in the Supplemental Indenture authorized by Section 5 of this Resolution, but the average coupon interest rate of the Bonds shall not exceed 5.00% per annum.

(D) The Bonds shall be special, limited obligations of the City, payable solely from the Sales Tax and other moneys pledged therefor. The Bonds shall not be payable from any general or other fund of the City, and the Bonds shall not constitute general obligations of the city.

Section 3. Pledge of Sales Tax. A portion of the Sales Tax collections shall be pledged and appropriated to the payment of the Bonds as set forth in the Indenture, including the supplements thereto.

Section 4. Retention of Managing Underwriter and Bond Counsel and Disclosure Counsel. The City hereby retains Dougherty & Company, LLC, in Sioux Falls, South Dakota, as senior managing underwriter, together with such other underwriters as may be named in the Bond Purchase Agreement described below, for the purpose of underwriting the Bonds. The City hereby retains the firm of Dorsey & Whitney LLP, Minneapolis, Minnesota, to act as bond counsel and disclosure counsel with respect to the Bonds.

Section 5. Authorization of Documents. In connection with the authorization, issuance and delivery of the Bonds, the officers of the City designated by Section 6 of this Resolution shall enter into, execute and deliver the following indenture, agreements and documents:

(A) the Supplemental Indenture to provide for the issuance of the Bonds and setting forth the terms thereof;

(B) the Bond Purchase Agreement or similar agreement providing for sale of Bonds at an underwriters' discount not exceeding 0.90% and an original issue discount not exceeding 2% of the principal amount of each series of Bonds;

(C) a continuing disclosure agreement or undertaking satisfying the requirements of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended; and

(D) such other documents, agreements or instruments as may be necessary to make covenants and recite facts required to demonstrate the validity and enforceability of Bonds under the laws of the State of South Dakota and to assure the exclusion of the interest thereon from the gross income of the owners of the Bonds under the Code and to effectuate the terms and intent of this Resolution. The execution and delivery of such indenture, agreements and documents is hereby authorized and directed, the indenture, agreements and documents to be in such form and to contain such terms, consistent with this Resolution, as the officers of the City designated herein shall determine to be necessary and desirable.

Section 6. City Officers. The Mayor, City Finance Officer and City Attorney of the City are hereby authorized and directed to execute and deliver the indenture, agreements and documents authorized by Section 5 hereof. Execution and delivery of such items by the Mayor, City Finance Officer and City Attorney shall constitute evidence that such items are consistent with the terms of this Resolution and have been duly authorized, executed and delivered by the City and are enforceable against the City in accordance with their terms, subject to customary exceptions relating to bankruptcy, reorganization, insolvency and other laws affecting creditors' rights. The Mayor, City Finance Officer and City Attorney are further authorized to take such other actions as may be required to effectuate the terms and intent of this Resolution. In the event of the absence or disability of the Mayor, City Finance Officer or City Attorney, the President of the City Council, the Assistant Finance Officer or the Assistant City Attorney are hereby authorized to act in the place and stead of the Mayor, City Finance Officer and City Attorney, and to take all actions and execute all documents approved hereby. The City Finance Officer is authorized to designate the Series 2000 Bonds as "qualified tax exempt obligations" for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended, if bond counsel determines that such designation is appropriate.

Section 7. Ratification. All actions heretofore taken by the City or any of its officers in connection with the Bonds are hereby ratified and confirmed.

Section 8. Amendment. This Resolution may be amended at any time prior to the issuance of the Bonds by adoption of an administrative resolution.

Dated this 6th day of November, 2000.

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

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

The following Resolution was introduced, read and Johnson 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 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 by adding thereto the following:

The Council is authorized to appropriate to the library \$1,250,000 in the year 2001 and \$1,250,000 in the year 2002 for expansion of the library.

Dated this 6th day of November, 2000.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

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

RESOLUTION TO ESTABLISH POSITION OF
POLICE COMPUTER OPERATIONS SUPERVISOR

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

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City to establish the position of Police Computer Operations Supervisor at a salary range of \$34,362 to \$51,543/yr.

Dated this 6th day of November, 2000.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The next item on the agenda was an appeal of the Police Chief's decision to deny a Private Security License for Terrence Mohr. The petitioner was not present at the meeting. Motion was made by Johnson, seconded by Hanks and carried to deny the license application.

Public Works Committee Items

Ordinance 3612 entitled An Ordinance Amending Section 8.08.070(D) and Section 8.08.240(B) of Chapter 8.08 of the Rapid City Municipal Code by Changing the Amount of Collection Fees for Residential Areas and the Disposal Fees to be Charged at the Rapid City Landfill, was introduced. Motion was made by Kroeger and seconded by Hanks to approve first reading. Kriebel objected to the 100% increase in the pickup load rate from \$5 to \$10. There is a provision in the code that allows the landfill staff to decide that a vehicle must be weighed and charged the per ton rate. Dreyer explained that everyone on the City's water system is allowed to take one load to the landfill per month, at no charge. The problem is with people living outside the community bringing in heavy loads for disposal at the landfill. Dreyer urged the Council to leave this rate at \$10 per pickup load. Substitute motion was made by Hadley and seconded by Johnson to approve first reading of Ordinance 3612, and add an amendment to add a provision that will allow the person using the landfill to request that their load be weighed and charged accordingly, with a minimum charge of \$5 per pickup load. Upon vote being taken, the motion carried unanimously.

Special Items and Items from Visitors

The next item on the agenda was a request by Troy Fegueroa to appeal the decision of the Police Chief to deny his application for a City Security License. Fegueroa was not present. Motion was made by Hanks, seconded by Johnson and carried to table this item.

Bills

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

| | |
|--|-----------------------|
| Payroll Ending 10-21, Paid 10-27-00 | 487,283.76 |
| Payroll Ending 10-31, Paid 10-31-00 | 733,290.05 |
| Payroll Ending 10-21, Paid 10-27-00 | 3,430.99 |
| Pioneer Bank, 10-27 taxes, Paid 10-27-00 | 125,338.95 |
| Pioneer Bank, 10-31 taxes, Paid 10-31-00 | 190,333.50 |
| Pioneer Bank, 10-27 taxes, Paid 10-27-00 | 256.46 |
| First American Administrators, 10-19 claims, Paid 10-20-00 | 45,180.95 |
| First American Administrators, 10-26 claims, Paid 10-27-00 | 33,752.84 |
| First American Administrators, 11-2 claims, Paid 11-03-00 | 37,578.06 |
| Berkley Risk Administrators, October claims, Paid 11-3-00 | 28,312.78 |
| BH Power & Light, electricity | 47,146.55 |
| MDU, gas service | 2,056.64 |
| SD Department of Revenue, sales tax, Paid 10-19-00 | 16,937.84 |
| SD Department of Revenue, sales tax, Paid 10-19-00 | 2,288.05 |
| City of Rapid City, postage | 170.00 |
| Heavy Constructors, Est. No. 1 | 107,893.70 |
| Rockingtree Landscaping, Est. No. 1 | 4,300.00 |
| US Postmaster, postage | 1,400.00 |
| Computer Bill List | 1,990,430.79 |
| Subtotal | <u>\$3,857,381.91</u> |
| Payroll Paid Ending 10-21, Paid 10-27-00 | 2,306.68 |
| Pioneer Bank, 10-27 taxes, Paid 10-27-00 | 166.55 |
| City of Rapid City, postage | 11.50 |
| Marcia Kadel, stipend | 150.00 |
| Donald Lantz, stipend | 150.00 |

| | |
|-------------------------------|-----------------------|
| Friends of RSVP, travel costs | 43.20 |
| SD School of Mines, telephone | 62.85 |
| Total | <u>\$3,860,272.69</u> |

Treasurers Checks

| | |
|-------------------------|-----------------------|
| Hills Materials | 9,004.22 |
| Lind Exco | 6,528.09 |
| Simon Contractors of SD | 3,909.62 |
| Wilson School PTA | 4,175.00 |
| Total | <u>\$3,883,889.62</u> |

Public Works Director

Motion was made by Kroeger, seconded by Hadley and carried to authorize staff to advertise for a public hearing to be held on November 29, 2000 at 1:15 P.m. on an application for a state revolving loan from the Department of Environment and Natural Resources for **Water Reclamation Facility** improvements.

Executive Session

Motion was made by Munson, seconded by Hadley and carried to go into executive session to discuss contractual matters. The council came out of executive session.

Motion was made by Hanks, seconded by Johnson and carried to acknowledge Rapid City Sports Group's November 6, 2000 letter giving notice of its withdrawal regarding the **proposed ice arena**.

Motion was made by Hanks, seconded by Munson and carried to direct the Mayor to appoint a Task Force to review alternative options for constructing an **indoor ice rink**.

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)