

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
December 16, 2002

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, December 16, 2002 at 7:00 P.M.

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

Motion was made by Hanks, seconded by Rodriguez and carried to **correct the minutes** of November 18, 2002 to show the correct base bid price for a Ford Excursion for the Department of Fire & Emergency Services as \$28,135; and show the following correct legal description for Item No. 02CA054: A portion of Tract 1 and a portion of Tract 2 of Pioneer Subdivision, located in the E1/2 of the NE1/4 Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Lot 1 of Moon Ridge Subdivision, and the Point of Beginning; Thence, first course: N00°12'56"E, along the westerly boundary of Tract 1 Pioneer Subdivision, common with a 1/16th line of Section 34, a distance of 446.88 feet, to the northwesterly corner of said Tract 1, common to a westerly corner of Tract 2 of Pioneer Subdivision; Thence, second course: N00°11'53"E, along the westerly boundary of said Tract 2, common with a 1/16th line of section 34, a distance of 436.16 feet; Thence, third course: N89°53'10"E, a distance of 1247.34 feet, to a point on the easterly boundary of said Tract 2, common with a point on the westerly edge of right-of-way of U.S. Highway 16; Thence, fourth course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of said right-of-way of U.S. Highway 16, a distance of 1337.09 feet, to northeasterly corner of Lot H-1 of Tract 2 of Pioneer Subdivision (Moon Meadows Road); Thence, fifth course: N82°35'35"W, along the northerly boundary of said Lot H-1 of Tract 2, a distance of 42.53 feet; Thence, sixth course: northwesterly, along the northerly boundary of said Lot H-1 of Tract 2, curving to the left on a curve with a radius of 1050.00 feet, a delta angle of 6°35'17", a length of 120.73 feet, a chord bearing of N86°00'00"W, and a chord distance of 120.67 feet; Thence, seventh course: N89°15'53"W, along the northerly boundary of said Lot H-1 of Tract 2, a distance of 337.71 feet, to the northwesterly corner of said Lot H-1 of Tract 2, common to the northeasterly corner of Lot H-1 of Tract 1 of Pioneer Subdivision (Moon Meadows Road), common to a point on the westerly boundary of said Tract 2, common to a point on the easterly boundary of said Tract 1; Thence, eighth course: N89°16'12"W, along the northerly boundary of said Lot H-1 of Tract 1, a distance of 231.26 feet, to the southeasterly corner of said Lot 1; Thence, ninth course: N00°12'56"E, along the easterly boundary of said Lot 1, a distance of 415.00 feet, to the northeasterly corner of said Lot 1; Thence tenth course: N89°16'12"W, along the northerly boundary of said Lot 1, a distance of 350.00 feet, to the northwesterly corner of said Lot 1, and the point of beginning, located in Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and **approve the minutes** of December 2, 2002.

Bid Openings

The following vendors submitted bids for No. CC121602-01, **Damaged Streetlight Pole Replacement & Repair Project** ST02-1281: 1) Solar Sound Corp. and 2) PIE, Inc. Staff has reviewed the bids and recommends award to Solar Sound. Motion was made by Hanks, seconded by Rodriguez and carried to award the bid for ST02-1281 to Solar Sound Corporation, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$15,045.

The following vendors submitted bids for No. CC121602-01, Three Current Year Model **Ambulances** and Four Refurbished Ambulances for the Rapid City Department of Fire & Emergency Services: 1) Midwest Vehicle Professionals, Inc. and 2) Wheeled Coach. It was noted that the bid submitted by Midwest Vehicle Professionals was for all new vehicles. Staff has reviewed the bids and recommends award to Midwest Vehicle Professionals. Staff added that the bid submitted by Wheeled Coach did not meet all the specifications. Motion was made by Kroeger, seconded by Waugh and carried to award the bid for ambulances to Midwest Vehicle Professionals, Inc., the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$579,997.

The following vendors submitted bids for No. CC121602-01 – 50 MSA **Self Contained Breathing Apparatus** for the Rapid City Department of Fire & Emergency Services: 1) FireGuard, Inc. and 2) Metro Fire. Staff has reviewed the bids and recommends award to Metro Fire. Motion was made by Johnson, seconded by Waugh and carried to award the bid for Self Contained Breathing Apparatus to Metro Fire, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$111,036.69.

The following vendors submitted bids for No. CC121602-01, One New Current Model Year **Service Body and Crane** for Water Reclamation Division: 1) Northern Truck Equipment Corp. and 2) Black Hills Truck & Trailer. Staff has reviewed the bids and recommends award to Northern Truck. Motion was made by Waugh, seconded by Johnson and carried to award the bid for One New current Model Year Service Body and Crane to Northern Truck Equipment Corp., the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$28,340.

Mayor's Items

Motion was made by Rodriguez, seconded by Hanks and carried to authorize the Department of Fire & Emergency Services to **accept grant monies** from Federal Emergency Management Agency in the amount of \$172,000 (\$120,400 federal and \$51,600 local match) and authorize the purchase of Self-Contained Breathing Apparatus and portable radios as outlined in the grant request.

Mayor Munson presented the **Veteran of the Month Award** to Harold "Hal" Weber and commended him for outstanding service to the country.

Aldersperson Items

Motion was made by Kooiker, seconded by Hadley and carried to direct staff to post the CIP Agendas and Minutes on the Web. Kooiker clarified that only the basic agenda should be published, not attachments.

Motion was made by Waugh and seconded by Murphy to direct the City Attorney to bring a proposed budget for clerical assistance for the **Development Review and Appeals Board** to the January 29, 2003 Legal and Finance Committee meeting. Johnson spoke against adding additional funding to this process. Substitute motion was made by Kooiker and seconded by Kroeger to direct the City Attorney to provide clerical assistance for the Development Appeals and Review board, effective immediately. Altman noted that he does not feel his staff has any problem going to these meetings and providing clerical support. However, the City will be required to pay overtime to clerical staff if they are required to go to meetings outside of regular office hours. There will also be costs involved for copies and other office supplies that are necessary when providing clerical support. George Dunham, chairman of the Review Board, explained that up to now, the Board has not received any assistance from the City. If the City could provide someone to take the minutes from the meetings, it would be appreciated. Dunham estimated the clerical support would be approximately six hours per month, to include attending two meetings and transcribing the minutes. There was discussion

about the costs involved with providing this service. Rodriguez called the question and there were no objections. Upon vote being taken, the motion carried with Johnson voting no.

Kroeger stated that he would like the City Attorney to provide a budget so that the Council knows what the costs will be to provide clerical assistance to the Development Appeals and Review Board. Motion was made by Kroeger and seconded by Waugh to direct the City Attorney to bring a proposed budget for clerical assistance for the **Development Review and Appeals Board** to the January 29, 2003 Legal and Finance Committee meeting. Johnson stated that the last action was to direct that the City Attorney provide the staffing, immediately, no matter the cost. Kriebel stated that he feels any projected numbers for this service are not going to be accurate until the service has been provided and staff knows what to expect. Upon vote being taken, the motion carried with Johnson voting no.

Special Items and Items from Visitors

Attorney Marty Jackley from Gunderson Palmer Law Firm, appeared before the Council concerning a **Stop-work Order** issued on a construction project being done by Simon Contractors. Jackley stated that the Order was issued at 3:25, however, it was not posted on the project and was not issued to Simon Contractors. Simon Contractors was not made aware of the stop-work order and he doesn't feel they should be penalized for continuing with the paving project. There was a great deal of confusion on this particular day because of weather conditions and questions on whether or not paving could be done. Simon Contractors subsequently received a letter from the City Attorney's Office voicing concern that they violated a stop-work order and explaining that this issue would be presented to the City Council. With the facts of this particular instance, where Simon Contractors did not receive the stop-work order, nor did they see one posted on the project, it would be wrong to take action against them. There was continued discussion on the events of the day in question, the temperature, and different entities that were involved with making the decision to continue with the paving. Johnson expressed concern about the quality of the street as a result of paving when the temperature was too cold. Hadley stated that he does not feel Simon Contractors should be penalized for continuing with this project because they were not notified. Staff noted that no action has been taken against Simon Contractor at this time. This item has been referred to the City Council for consideration. Bjerke stated that staff has discussed the condition of the street with the developer, George Dunham. Mr. Dunham has not indicated that this was a temporary street nor that it will be taken out and redone according to city specifications in the spring. Dunham stated that he will guarantee to the City that this road will not deteriorate because of placing the asphalt when it was placed. He is willing to do whatever testing is necessary in the spring to determine if any harm has been caused to the road as a result of placing the asphalt and to make whatever repairs are necessary. Dunham added that the decision to place the asphalt was made because the asphalt plants were preparing to close for the winter. If the asphalt wasn't placed then, the project would have been very muddy and dusty until the spring. It would also have been very expensive and difficult to bring the road up to city standards. The decision to pave was made and we told city staff that we were willing to assume the responsibility for that decision. Dunham reiterated that he will do whatever testing and repairs are necessary in the spring to bring this road to city standards. Motion was made by Johnson and seconded by Waugh to direct the City Attorney to draft an Agreement between the City and Mr. Dunham that assures that testing and repairs will be done in the spring on this road. Engineering Division Manager Randy Nelson stated that the City does not want to get into a situation where contractors are allowed to test for conditions such as frost so they don't have to follow city codes. He stated that in this situation, the City's minimum spec was not met. Testing by itself has inherent disadvantages. You can't test 100% of the product, only random sections are tested. There is also the issue of failing tests and what percentage of failing tests causes rejection of the work. The City will be opening itself up to a very large problem if we allow this type of construction. Altman urged the Council to proceed with caution on this matter. If we allow this project to proceed which was done in violation of a stop-work order, it will be very difficult to

tell anyone else that they can't pave in violation of a stop-work order, or on frozen sub-grade. Upon vote being taken, the motion to direct preparation of an Agreement carried unanimously. No action was taken by the Council relative to Simon Contractors and their work on this project.

Alcoholic Beverage License Applications

This was the time set for hearing on the application of Hotel Management Co Inc., dba **Hotel Alex Johnson**, 523 6th Street, for an Off-Sale Liquor License Renewal. Upon motion made by Hadley, seconded by Rodriguez and carried, the Council approved the application.

This was the time set for hearing on the application of Hotel Management Co Inc., dba **Hotel Alex Johnson**, 523 6th Street, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Manna Inc., dba **Roadhouse Nightclub & Grill/Froghollow Café**, 1900 N Maple Ave, for an On-Sale Wine License Renewal. Upon motion made by Hadley, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Harold's Prime Rib Inc., dba **Harold's Prime Rib**, 318-320 E Blvd, or an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Waugh and carried, the Council approved the application.

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

This was the time set for hearing on the application of Mai T Goodsell, dba **Saigon Restaurant**, 221 E North Street, for an On-Sale Wine License Renewal. Upon motion made by Hadley, seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of S & Y Inc., dba **The Golden Phoenix**, 2421 W Main Street, for an On-Sale Wine License Renewal. Upon motion made by Hadley, seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of Harbry Enterprises dba **Buck-N-Gator**, 4095 Sturgis Road, for an On-Sale Liquor License Renewal and Sunday Opening. Motion was made by Hadley and seconded by Waugh to approve the application. City Attorney Altman requested that this item be continued because he has not been able to contact Mr. Danielsen about outstanding land use issues. Substitute motion was made by Waugh, seconded by Rodriguez and carried to continue this hearing until December 27, 2002.

This was the time set for hearing on the application of Phatty McGees, Inc. dba **Phatty McGees**, 321 Seventh Street, for an On-Sale Liquor License Renewal and Sunday Opening. Motion was made by Hadley and seconded by Murphy to continue this hearing until December 27, 2002. City Attorney Altman explained that they are ready to recommend action on this renewal application, after the information is presented in executive session. Hadley changed his motion to continue this hearing until after the executive session. Second by Waugh. Motion carried unanimously.

Upon motion made by Hadley, seconded by Kroeger and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on December 27, 2002:

16. Chrisbro, LLC dba **Hampton Inn**, 1720 Rapp Street, for an On-Sale Wine License Renewal
17. Museum Alliance of Rapid City dba **The Journey Museum**, 22 New York Street, for an On-Sale Wine License Renewal

Consent Calendar

The following items were removed from the Consent Calendar:

39. Move the Public Works Committee meeting from Tuesday, December 31st to Monday, December 30th, following the Legal & Finance Committee meeting.
58. No. CC121602-02 - Reject all proposals for golf cart leasing.
68. Direct staff to review 17.50.280A(2) to see if there is any ambiguity within that section and if so, that it be cleared up; and review 17.50.280A(7) and make it clear so that a truck that really isn't an offensive type of truck (and is a regular-sized truck) would not be subject to this ordinance.

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

Set for Hearing (January 20, 2003)

18. No. 02VR007 - A request by Dream Design International, Inc. for a **Vacation of a portion of the section line right-of-way and retaining it as a utility easement** on Lot B of Lot 1 in the NE1/4, Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located the west end of Fox Drive.

Public Works Committee Items

19. No. PW121002-01 – Approve Change Order No. 02F for ST01-917, Central Boulevard Reconstruction project to RCS Construction, Inc. for an increase of \$24,161.32.
20. No. PW121002-02 - Approve Change Order No. 01F for W00-946, Mountain View Utility Improvements 24" Water Transmission Main Project to Hills Materials Company for an increase of \$4,837.62.
21. No. PW121002-20 – Approve Change Order No. 02 for SS00-1007, Sheridan Lake Road Sanitary Trunk Sewer Extension Project to Mainline Contracting, Inc. for a decrease of \$1,312.39.
22. No. PW121002-03 - Approve Change Order No. 02F for GC00-1016, Meadowbrook Golf Course Clubhouse Project to RCS Construction, Inc. for an increase of \$7,966.91.
23. No. PW121002-04 - Approve Change Order No. 02 for PR01-1051, Community Centers at South and West Middle Schools to J. Scull Construction Services for an increase of \$17,559.81.
24. No. PW121002-05 - Approve Change Order No. 02F for W02-1156, Water Well No. 12 to Water System Drilling, Inc. for an increase of \$6,700.00.
25. No. PW121002-06 - Approve Change Order No. 01 for W01-1159, Highway 16 Water Main Extension Project to Mainline Contracting, Inc. for an increase of \$8,059.75.
26. No. PW121002-07 - Approve Change Order No. 02 for WRF02-1173, Water Reclamation Facility Expansion Project to Glenn C. Barber & Associates, Inc. for a deduct of \$52,692.00; contingent upon approval by the South Dakota Department of Environment and Natural Resources.
27. No. PW121002-08 - Approve Change Order No. 01F for DR02-1177, Knollwood Metering Dam Maintenance Project to Patino Construction Services for a decrease of \$4,672.99.

- 28. No. PW121002-09 - Approve Change Order No. 01F for SS02-1219, Palo Verde Sanitary Sewer Main Reconstruction Project to Mainline Contracting, inc. for a decrease of \$1,747.57.
- 29. No. PW121002-10 - Approve Change Order No. 01F for SS02-1227, Block 94 Sanitary Sewer Reconstruction Project to Mainline Contracting, Inc. for an increase of \$4,561.56.
- 30. No. PW121002-11 – Refer IDP02-1217, Milo Barber Transportation Center Building Residing Project to the Capital Improvements Committee.
- 31. No. PW121002-13 - Authorize Mayor and Finance Officer to Sign an Agreement with Charles and Margaret Sims to purchase drainage easement in the amount of \$3,680 for DR00-902, Knollwood Detention Pond Project.
- 32. No. PW121002-15 - Authorize Mayor and Finance Officer to Sign a Professional Service Agreement with Baffuto Architectura to Design FD03-1266, Rapid City Fire Station #3 for an amount not to exceed \$75,000 plus reimbursable expenses.
- 33. No. PW121002-16 - Authorize Mayor and Finance Officer to Sign a Professional Service Agreement with Phil Nichols Associates to Design PR03-1273, Canyon Lake Park Improvements Project for an amount not to exceed \$9,870 plus reimbursable expenses.
- 34. No. PW121002-17 - Authorize Mayor and Finance Officer to Sign a Black Hills Power, Inc. Right-Of-Way Permit -- OH/UG Corporation for Greenway Tract 27, Rapid City, Pennington County, South Dakota (Roosevelt Park).
- 35. No. PW121002-18 - Authorize Mayor and Finance Officer to Sign a Software Maintenance and Support Agreement with Supreme Software & Consulting, Inc. for December 1, 2002 to November 30, 2005 for Street Division for an amount not to exceed \$250 annually.
- 36. No. PW121002-19 – Approve Resolution to Set Time and Place for Hearing on January 6, 2003 for Assessment Roll for ST02-1142, Block 17 (Wise Addition) Alley Paving Project.

RESOLUTION FIXING TIME AND PLACE FOR HEARING
ON ASSESSMENT ROLL FOR
BLOCK 17 ALLEY PAVING (WISE ADDITION)
PROJECT ST02-1142

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

- 1. The assessment roll for Block 17 Alley Paving (Wise Addition) Project No. ST02-1142 was filed in the Finance Office on the 17th day of December, 2002. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, January 20, 2003 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 16th day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 37. No. 02RD008 – Approve with stipulations a Resolution naming the unnamed 30 foot access easement to Beaumont Lane, located north of Mercury Drive and east of Reservoir Road.

**RESOLUTION NAMING THE UNNAMED
30 FOOT ACCESS EASEMENT TO BEAUMONT LANE**

BE IT RESOLVED by the City of Rapid City that the unnamed 30 foot access easement located adjacent to Lots A, B, C and D of Lot 11, Block 4, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Mercury Drive and east of Reservoir Road, and is hereby, named Beaumont Lane.

DATED this 16th day of December, 2002.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 38. Direct the City Attorney's Office to draft an agreement to establish districts and a repayment plan (connection fees) for properties benefiting from the Tower Ridge Development water and sewer improvements.
- 40. No. 02VE012 – Deny without prejudice a Vacation of Utility and Minor Drainage Easement for petitioner Terry Wolden on Lot 5 of Block 2 of Reed Estates Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at 2475 Reed Court.
- 41. No. PW121002-21 – Approve the purchase of two (2) new current model year Ford Ranger extended cab 4 x 4 pickup from Lamb Motors, Inc. for \$15,542 each for a total purchase price of \$31,084 under State Contract #13770 for the Building Inspection Division.

Legal & Finance Committee

- 42. No. LF121102-01 - Authorize Mayor and Finance Officer to sign Contract with State Division of Wildland Fire for ALS Ambulance Service during wildland fires.
- 43. No. 02TP021 - Authorize Mayor and Finance Officer to sign 2003 Agreement between the City of Rapid City and the South Dakota Department of Transportation for Accomplishing the Rapid City Area Metropolitan Planning Process - Federal Transit Administration planning funds.
- 44. No. 02TP022 - Authorize Mayor and Finance Officer to sign 2003 Agreement between the City of Rapid City and Black Hills Council of Local Governments for local transit planning assistance for the Rapid City MPO Urbanized Area.
- 45. No. LF121102-13 - Approve Travel Request for Bimende Malik to attend ESRI's Instructor-Led Classes Introduction to ArcIMS Administration to be held January 13-14, 2003, in Broomfield, Colorado, in the sum of \$1,600.
- 46. No. LF121102-14 - Approve Travel Request for Bimende Malik to attend ESRI's Instructor-Led Classes Introduction to ArcSDE Using ArcInfo 8 to be held January 22-23, 2003, in Broomfield, Colorado, in the sum of \$1,600.

- 47. No. LF121102-15 - Authorize Mayor and Finance Officer to Sign Contract with Varion Systems in an amount not to exceed \$30,700 for purchase of Professional GIS Software Development for the Public Mapping Interface (Kiosk), contingent upon review and approval by the City Attorney's office.
- 48. No. LF121102-22 - Authorize Mayor and Finance Officer to sign Encroachment Agreement between City of Rapid City and Dan O'Brien for Lots 1, 2 and 3 of Deadwood Avenue Business Park.
- 49. Authorize staff to proceed with the Resolution of Intent to Annex the larger airport area.
- 50. No. LF121102-03 - Authorize staff to advertise for RTS vehicles - 2 para-transit vehicles - FY2003 budgeted item - 83% federal grant; 17% local fund.
- 51. No. LF121102-04 - Approve Attachment A to Black Hills Council of Local Governments Management Contract.
- 52. No. LF121102-05 - Authorize Mayor and Finance Officer to sign Contract for five-year Consolidation Plan with Mullin and Lonergan Associates in the amount of \$27,500.
- 53. No. LF121102-06 - Approve Resolution Writing Off Credit Balance Water Billing Accounts.

**RESOLUTION WRITING OFF
CREDIT BALANCE WATER BILLING ACCOUNTS**

WHEREAS the City Finance Office has determined that certain water billing accounts, shown on Appendix A, attached, and totaling \$332.97 are determined to be expired for refund.

WHEREAS it is necessary to relieve the accounts payable of the City of Rapid City for these accounts.

NOW, THEREFORE, BE IT RESOLVED that the City Finance Officer be directed to remove such accounts from the active accounts of the City, said accounts being detailed in the official files of the City Finance Office.

Dated this 16th day of December, 2002.

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| <p>ATTEST: s/ James F. Preston Finance Officer (SEAL)</p> | <p>CITY OF RAPID CITY s/ Jerry Munson, Mayor</p> |
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- 54. No. LF121102-07 - Approve Resolution Writing Off Uncollectible Utility Billing Accounts.

**RESOLUTION WRITING OFF
UNCOLLECTIBLE UTILITY BILLING ACCOUNTS**

WHEREAS the City Finance Office has determined that certain utility billing accounts, shown on Appendix A, attached, and totaling \$20,029.66 are uncollectible, and

WHEREAS it is necessary to relive the accounts receivable of the City of rapid city for these accounts.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the City Finance Officer be directed to remove such accounts from the active receivables of the City, said accounts being detailed in the official files of the City Finance Office.

Dated this 16th day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 55. No. LF121102-08 - Authorize Mayor and Finance Officer to sign Addendum to Professional Service Agreement with JR Hamblet.
- 56. No. LF121102-09 - Approve Resolution Establishing 2003 Golf Course Fees.

RESOLUTION ESTABLISHING 2003 GOLF COURSE FEES

BE IT RESOLVED by the City of Rapid City that the following fees are established for use at the Rapid City Municipal Golf Courses, to be effective from January 1, 2003, through December 31, 2003.

(1) Meadowbrook Golf Course Daily Green Fees (Includes sales tax and development fee)

| | <u>2002</u> | <u>2003</u> |
|---------------------------|-------------|-------------|
| 9 - Hole Weekday | \$14.50 | \$15.25 |
| 9 - Hole Weekend/Holiday | \$17.25 | \$18.00 |
| 9 - Hole Jr./Sr. Weekday | \$10.75 | \$11.25 |
| 18 - Hole Weekday | \$25.50 | \$26.75 |
| 18 - Hole Weekend/Holiday | \$28.50 | \$29.75 |
| 18 - Hole Jr./Sr. Weekday | \$20.50 | \$21.50 |

(2) Meadowbrook Golf Course Season Passes / Punch Cards / Range Passes (Season Passes do not include development fee or sales tax.) (Punch Cards include sales tax.)

| | <u>2002</u> | <u>2003</u> |
|--------------------------------------|-------------|---------------|
| Adult Single | \$475.00 | \$495.00 |
| Adult Couple | \$760.00 | \$790.00 |
| Senior Single (Weekdays Only) | \$405.00 | N/A |
| Senior Single (Anytime) | \$425.00 | \$445.00 |
| Senior Couple | \$660.00 | \$690.00 |
| Each Additional Family Member | \$ 75.00 | N/A |
| City Employee Season Pass | \$145.00 | \$245.00 |
| Child (14 & Under) | \$ 90.00 | \$ 90.00 |
| Junior (15-18) | \$145.00 | \$150.00 |
| School Team | \$ 55.00 | \$ 60.00 |
| Driving Range Unlimited (25 Lg Bags) | \$175.00* | N/A |
| Driving Range Unlimited (With Pass) | \$110.00* | NA |
| Range Balls (Small Bag) | \$ 2.50* | \$ 2.50* |
| Range Balls (Large Bag) | \$ 4.00* | \$ 4.00* |
| Range Balls (50 small Bag Card) | NA | \$108.00 (a) |
| 25-9 Hole Punch Card | \$330.00* | \$330.00* (a) |
| All City Pass | \$ 65.00 | \$ 60.00 |

* includes sales tax

(3) Meadowbrook Golf Course Cart Storage / Cart Rental / Trail Fees / Lockers

| | <u>2002</u> | <u>2003</u> |
|-----------------------|-------------|----------------|
| Gas Cart Storage | \$275.00** | \$290.00**(b) |
| Electric Cart Storage | \$295.00** | \$310.00**(b) |
| Trail Fee Annual | \$180.00** | \$185.00** |
| Trail Fee Daily | \$ 12.00* | \$ 12.00 |
| Cart Rental (9 Hole) | \$ 14.00* | \$ 14.00* (c) |
| Cart Rental (18 Hole) | \$ 24.00* | \$ 25.00* (c) |
| Yearly Cart Rental | \$525.00** | \$600.00** (c) |
| Lockers | \$ 40.00** | \$40.00** |

* includes sales tax

** does not include sales tax

(4) Executive and LaCroix Links Daily Green Fees (Includes sales tax and development fees)

| <u>Executive</u> | <u>2002</u> | <u>2003</u> |
|----------------------|-------------|-------------|
| 9 – Hole Weekday | \$9.00 | \$9.50 |
| 9 – Hole Weekend | \$9.00 | \$9.50 |
| Child (14 & Under) | NA | \$5.00 |
| | | |
| <u>LaCroix Links</u> | <u>2002</u> | <u>2003</u> |
| 9 – Hole Weekday | \$8.00 | \$8.50 |
| 9 – Hole Weekend | \$8.00 | \$8.50 |
| Child (14 & Under) | NA | \$5.00 |

(5) Executive and LaCroix Links Season Passes / Punch Cards / Cart Rentals

| | <u>2002</u> | <u>2003</u> |
|--------------------------|-------------|---------------|
| 12 – 9 Hole Punch Card | \$ 85.00* | \$ 90.00* (a) |
| 25 – 9 Hole Punch Card | \$150.00* | \$155.00* (a) |
| 50 – 9 Hole Punch Card | \$275.00* | \$285.00* (a) |
| Adult Single | NA | \$440.00** |
| Adult Couple | NA | \$565.00** |
| Senior Single | \$375.00** | \$390.00** |
| Senior Couple | \$500.00** | \$520.00** |
| Junior (15-18) | \$125.00** | \$125.00** |
| Child (14 & Under) | \$ 80.00** | \$ 80.00** |
| Cart Rental (Per 9–Hole) | \$ 8.00* | \$ 7.00* |

* includes sales tax

** does not include sales tax

BE IT FURTHER RESOLVED by the City of Rapid City that the following Development Fees are established for use at the Rapid City Municipal Golf Courses, effective from **January 1, 2003, through December 31, 2003:**

Development Fees: (Do Not include tax)

| | <u>2002</u> | <u>2003</u> |
|----------------------------|-------------|-------------|
| Meadowbrook (9 Hole): | \$0.93 | \$0.93 |
| Meadowbrook (18 Hole) | \$1.86 | \$1.86 |
| Executive/LaCroix (9 Hole) | \$0.47 | \$0.47 |

The development fee is included in the daily green fees. The development fee is NOT included in the punch card or the season pass fee and will be charged to all season

pass holders and punch card holders at tee time. This fee will be used for course improvements only.

BE IT FURTHER RESOLVED that as used in this Resolution,

- 1. Child passes shall be good weekdays only and include play on weekdays at Executive and LaCroix Links.
- 2. Junior Passes shall be for persons 15-18 years old or area students living at home to age 23. Junior passes are good at all three courses.
- 3. "All City" passes are available for Meadowbrook Season Pass Holders. An additional \$65.00 per person fee allows the pass holder to play at all three municipal golf courses and applies to the following season pass holders: Adult Single; Adult Couple; Senior Single and Senior Couple.
- 4. Cart usage is limited to two (2) carts per group.

BE IT FURTHER RESOLVED that the golf pro is hereby authorized to offer special rates for play on Meadowbrook, Executive and LaCroix Links as he shall determine to be appropriate for the purpose of encouraging play on said courses.

Footnotes:

- (a) Punch cards will be good for current year only.
- (b) Cart storage will be granted only to golf season pass holders
- (c) Sharing of carts will be allowed at no additional cost.

DATED this 16th day of December, 2002.

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

THE CITY COUNCIL
s/ Jerry Munson, Mayor

- 57. No. LF121102-10 - Authorize Mayor and Finance Officer to Sign Agreement with Frankenfeld Associates for web site hosting.
- 59. Authorize staff to solicit Requests for Proposals for fuel (gasoline and diesel).
- 60. No. LF121102-16 - Approve Resolution to Establish the Position of Building Inspector III.

**RESOLUTION TO ESTALBISH THE POSITION
OF BUILDING INSPECTOR III**

WHEREAS a job evaluation has been conducted utilizing the Factor Evaluation System methodology to establish the City's compensation plan; and

WHEREAS the evaluation established that the duties and responsibilities of the described position of Building Inspector III justify placing this classification in Grade 17 of the American Federation of State County and Municipal Employees Union AFL-CIO pay scale;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the AFSCME Pay Plan by adding this position classification description at the Grade 17 as recommended in the job evaluation.

Dated this 16th day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 61. No. LF121102-17 - Approve Request from Kenneth Krzyzanowski, d/b/a Mr. Rag's Ice Cream, for Renewal of Concession Agreement for 2003 Season.
- 62. No. LF121102-18 - Approve Request from Keith G. Storm, d/b/a Pied Piper, for Renewal of Concession Agreement for 2003 Season.
- 63. Rescind Council Action on November 4, 2002, Approving Resolution of Acceptance (Howard Street Right of Way).
- 64. No. LF121102-23 - Approve Resolution of Acceptance (Howard Street Right of Way).

RESOLUTION OF ACCEPTANCE

WHEREAS, the State of South Dakota owns certain real property described hereinafter and has indicated that it has no use for said property; and

WHEREAS, because of this fact, the City of Rapid City requested a Quit Claim Deed to the property from the State of South Dakota, acting through the Department of Transportation; and

WHEREAS, the City of Rapid City is willing to accept and maintain this property;

NOW, THEREFORE, the City of Rapid City hereby accepts the following described property as public right of way. Said property is legally described as follows:

Lot A of Lots H1 and H2 of the South Half of the Northwest Quarter (S ½NW ¼) of Section Twenty-five (25), Township Two North (T2N), Range Seven West (R7W), Black Hills Meridian, Pennington County, South Dakota.

Dated this 16th day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 65. No. LF121102-24 - Authorize Mayor and Finance Officer to sign Medical Director Agreement between City of Rapid City, County of Pennington, and Dr. Kelly Manning.
- 66. No. LF121102-25 - Authorize Mayor and Finance Officer to sign Medical Director Agreement between City of Rapid City and Dr. Kelly Manning.
- 67. Approve the following licenses: Central Station Service: Midwest Alarm Co., Inc., Larry McMillen; Metals and Gems: Ray Brown, Brown and Associates; Pawn Shop: First Stop Gun & Coin, Mark L. Blote; First Stop Gun & Coin, Mark L. Blote; Pawn-Derosa-Pawn, Carol Allison; Second Hand: Batchelder's Plummer Piano & Organ Co., Matthew J. Batchelder; Ernie Novembers, Inc., Roger Ensenbach; Furniture Mart, Susan R. Sorbel; Scheel's Sports, Steve Scheel; Trebleshooter Guitars & Jazz Supply Co., Mitchell Kimball; Security Business: Karen Kierstead, Mt. States Investigation, Inc.; Donald C. Sneathen, Pinkerton, Inc.

- 69. No. LF121102-27 - Approve Appointment of Mike Jacobs, James Hansen, Chief Craig Tieszen, Jane Kramer, Sam Kooiker, and Martha Rodriguez to the Security License Review Committee, for a six-month or less period of time.

End of Consent Calendar

Motion was made by Rodriguez and seconded by Murphy to **move the Public Works Committee meeting** from Tuesday, December 31st to Monday, December 30th, following the Legal & Finance Committee meeting. Kriebel stated that he would not be able to attend the meeting if it is moved to Monday. Upon vote being taken, the motion carried with Kriebel voting no.

The next item discussed by the Council was No. CC121602-02, proposals for **golf cart leasing**. Finance Officer Preston explained that the Golf Committee has discussed this issue further and now understands that they must order the carts by the first of January. The Committee is recommending that the proposal from Golf Carts West be accepted in the amount of \$680.70 per cart per year for four years. Motion was made by Hadley, seconded by Johnson and carried to accept the proposal from Golf Carts West for 65 carts in the amount of \$680.70 per cart.

Motion was made by Kroeger and seconded by Waugh to direct staff to review 17.50.280A(2) to see if there is any ambiguity within that section and if so, that it be cleared up; and review 17.50.280A(7) and make it clear so that a truck that really isn't an offensive type of truck (and is a regular-sized truck) would not be subject to this ordinance. Upon vote being taken, the motion carried unanimously.

Public Hearings

The Mayor announced that the meeting was open for consideration of the assessment roll for Miscellaneous Property Cleanup (No. CC121602-02). Notice of hearing was published in the Rapid City Journal on November 25, 2002 and mailed to affected property owners on November 5, 2002. The following Resolution was introduced, read and Hanks 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 16th day of December 2002.

CITY OF RAPID CITY

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

s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Murphy. Hadley explained that he talked with Mr. Senn who appeared before the Council on December 2 relative to the assessments against this property. Mr. Senn has gotten the information he requested from the Building Inspection Department, but since he didn't receive any of the notices, he feels the late fee should be waived. Substitute motion was made by Hadley and seconded by Johnson to continue this hearing until January 6, 2003 to allow Mr. Senn to pay the assessment, and waive the \$100 late fee. Finance Officer Jim Preston explained that the \$100 is not a late fee. It is a charge to cover the administrative costs associated with the work involved with the assessment process. Preston added that the City Council passed a resolution in 1998 to allow the Finance Officer to cover the costs of this procedure so that it is not paid by the city taxpayers. Kriebel and Dreyer spoke against waiving the charges that were applied when the invoice was not paid. Roll call vote was taken: AYE: Hadley, Kooiker, Johnson and Waugh; NO: Kriebel, Kroeger, Dreyer, Hanks, Murphy and Rodriguez. Substitute motion failed, 4-6. Roll call vote was taken on the original motion to approve the Resolution Levying Assessment: AYE: Kriebel, Waugh, Kroeger, Dreyer, Hanks, Murphy and Rodriguez; NO: Hadley, Kooiker and Johnson. Motion carried, 7-3.

Planning Department Consent Items

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

71. No. 02PL029 - A request by Davis Engineering for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Reservoir Road and Longview Drive. (CONTINUE TO JANUARY 6, 2003)
72. No. 02PL040 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1-6 of Block 1; Lot 1 of Block 2; Lots 1-20 of Block 3, Lots 1-14 of Block 4; Lot 1 of Block 5, of Eastridge Subdivision and dedicated Enchantment Road, Eastridge Drive, Sally Court, and major drainage easements located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 NW1/4; N1/2 NE1/4 less NW1/4 NW1/4 NE1/4 and less NE1/4 NW1/4 NE1/4 and less NW1/4 NE1/4 NE1/4; NW1/4 NW1/4; SE1/4 NW1/4 less the west 460 feet of the south 990 feet and less Lot H1; SW1/4 NW1/4 less the south 990 feet, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Fifth Street. (CONTINUE TO FEBRUARY 3, 2003)
73. No. 02PL047 - A request by Wyss Associates, Inc. for a **Layout Plat** on Lots 1 thru 22, Block 1; Lots 1 thru 4, Block 2; Lot 1 thru 18, Block 3; Pine View Terrace, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 2; Tract 4 less Lot H1, Pine View Terrace, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of Southwest Middle School, 4501 Park Drive. (CONTINUE TO JANUARY 6, 2003)
74. No. 02PL051 - A request by CSU Properties, LLC for a **Preliminary and Final Plat** on Lot 1 of Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot RU-9A, Lots 1 thru 4 of Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th

Street R.O.W. and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in the southeast corner of the intersection of 5th Street and North Street. (CONTINUE TO JANUARY 6, 2003)

76. No. 02PL080 - A request by Davis Engineering, Inc. for Robert and Donald Grimm for a **Preliminary and Final Plat** on Lot 4 of Grimm Addition and dedicated Creek Drive Right-of-Way all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of Tract B of Government Lot 3 in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Highway 44 and east of Cambell Street at Creek Drive. (CONTINUE TO JANUARY 6, 2003)
77. No. 02PL083 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1 thru 4, Block 1, Lots 1 thru 9, Block 2, and Outlot A and Dedicated Streets, Neff Subdivision II, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 of the SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A. (CONTINUE TO JANUARY 6, 2003)
79. No. 02PL093 - A request by Davis Engineering for a **Layout, Preliminary and Final Plat** on Lot 1 Block 1, Lots 1 thru 6, Block 2, Lots 1 thru 8, Block 3, Lots 1 thru 7, and Lots 10 thru 15, Block 4, Lots 1 thru 3 and Lots 11 thru 16, Block 5 of Murphy Ranch Estates, all located in NE1/4 NW1/4 of Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 less Murphy's' Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on Longview Drive to the east of East 53rd Street and Reservoir Road. (CONTINUE TO JANUARY 6, 2003)
80. No. 02PL095 - A request by Doug Sperlich for 16 Plus, LLC for a **Preliminary and Final Plat** on Lot 3, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 and Tract 2 of Pioneer Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of U.S. Highway 16 and Moon Meadows Road. (CONTINUE TO JANUARY 6, 2003)
81. No. 02PL102 - A request by Doug Sperlich for Jeff Stone for a **Final Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive. (CONTINUE TO JANUARY 6, 2003)
82. No. 02PL105 – Approve the request by Doug Sperlich for All Around Construction Inc. for a **Layout, Preliminary and Final Plat** located along Woodridge Drive east of Crestridge Drive.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots A, B, & C of Lot 110, Woodridge Subdivision (formerly Lot 110 of Woodridge Subdivision) located in the NE1/4, Section 11, 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 A, B, & C of Lot 110, Woodridge Subdivision (formerly Lot 110 of Woodridge Subdivision) located in the NE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 16th day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 83. No. 02PL107 - A request by Williams and Associates for Black Hills Surgery Center, LLP for a **Layout, Preliminary and Final Plat** on Lot 6R, Lot 32R, and Lot 33R of Block 18 of Robbinsdale Addition No. 10 located in the S1/2 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6, Lot 32 and Lot 33 of Block 18 of Robbinsdale Addition No. 10 located in the S1/2 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of 5th Street along Anamaria Drive. (CONTINUE TO JANUARY 6, 2003)
- 84. No. 02PL108 - A request by Robert Looyenga for a **Layout, Preliminary and Final Plat** on Lot 35R, Lot 36R, and Lot 37R, Ponderosa Ridge Estates located in the N1/2 of the NW1/4 Section 31, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lots 35, 36, and 37 of Ponderosa Ridge Estates located in the N1/2 of the NW1/4 Section 31, T2N, R7E, BHM, Pennington County, South Dakota, located at 6560 Sun Ridge Road and 1107 Wildlife Road. (CONTINUE TO DECEMBER 27, 2002)
- 86. No. 02PL110 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 2 thru 13 and Lots 16 thru 24, Block 8 of Northbrook Village Subdivision, located in the SE1/4 SE1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted portion of the SE1/4 SE1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota, located northwest of the intersection of Country Road and Nike Road. (CONTINUE TO JANUARY 6, 2003)
- 87. No. 02PL115 - A request by Ferber Engineering Company for a **Preliminary and Final Plat** on Lots 7R and 8R of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 7, 8 and 9 of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Ireland Place and Dublin Court. (CONTINUE TO JANUARY 6, 2003)
- 88. No. 02PL117 – Approve the request by D.C. Scott Co. for Thomas Estes for a **Preliminary and Final Plat** located 2.3 miles south of Reptile Gardens on Neck Yoke Road.

RESOLUTION APPROVING PLAT

WHEREAS a Survey Plat of Lot 2R and Lot 4R2 of Estes Subdivision; formerly Lot 2, and Lot 4 Revised of Estes Subdivision, and a portion of the Balance of Estes Subdivision; located in the W1/2 SW1/4 NW1/4 and W1/2 NW1/4 SW1/4 of Section 15, T1S, R7E, 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 Survey Plat of Lot 2R and Lot 4R2 of Estes Subdivision; formerly Lot 2, and Lot 4 Revised of Estes Subdivision, and a portion of the Balance of Estes Subdivision; located in the W1/2 SW1/4 NW1/4 and W1/2 NW1/4 SW1/4 of Section 15, T1S, R7E, 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 16th day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 89. No. 02PL118 - A request by Fisk Land Surveying for Dan O'Brien for a **Preliminary and Final Plat** on Lots 1, 2 and 3 of Deadwood Avenue Business Park, located in the NE1/4 NW1/4 of Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 10A 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 1141 and 1161 Deadwood Avenue. (CONTINUE TO DECEMBER 27, 2002)
- 90. No. 02PL119 - A request by Kevin Conway for Norman or Rod McKie for a **Preliminary Plat** on Lots 1 and 2 of Five Star Subdivision and dedicated public right-of-way shown as Disk Drive located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 8 of Lot M1 of the S1/2 NW1/4, Lots A and B of Lot 1 of Lot M1 of the S1/2 NW1/4, Tract 4-B of Parcel 4 of SE1/4 NW1/4, and a portion of vacated Howard Street right-of-way located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Interstate 90. (CONTINUE TO JANUARY 6, 2003)

END OF PLANNING CONSENT CALENDAR

The Mayor presented No. 02PL058, a request by Dream Design International, Inc. for a **Final Plat** on Lots 3 through 7 Block 1, Lots 1 through 6 Block 2, Tower Ridge Subdivision, a portion of the Aladdin Drive ROW a portion of the Silver Nugget ROW and all of the Southview Drive ROW of the Aladdin Heights Subdivision, Lot B and the dedicated street in the NW1/4 of the SW1/4, and unplatted portions of the NE1/4 of the SW1/4, the SE1/4 of the

SW1/4, and the NW1/4 of the SW1/4 all in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of US Highway 16 and 1/4 mile north of Catron Boulevard. Motion was made by Rodriguez and seconded by Kroeger to approve the final plat. Dreyer abstained from discussion or voting on this item. Substitute motion was made by Hanks, seconded by Johnson and carried to continue this item until December 27, 2002.

The Mayor presented No. 02PL090, a request by Randy and Bobbie Greenway for a **Preliminary and Final Plat** on Lot 1 of R&B Subdivision of Block 5 of Canyon Lake Heights Subdivision, located in the SE1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 4R Revision No. 2, Lot 3R Revised and Lot 5R located in the SE1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3204 Falls Drive. Motion was made by Hanks and seconded by Johnson to continue this item until December 27, 2002. Bobbi Greenway requested that the Council take action on this final plat at this meeting. Planning Director Marcia Elkins explained that property owners, rather than dedicate additional right-of-way, they would like to use the "no parking" option. This requires that the City Council approve a special exception to the Street Design Criteria Manual. Substitute motion was made by Hanks and seconded by Murphy to approve the Resolution Approving Plat, and approve an exception to Section 7.2 of the Street Design Criteria Manual to waive the requirement that the petitioner provide common use visitor parking. This action will allow a narrower right-of-way and avoid the requirement for dedication of extra right-of-way on the plat. Upon vote being taken, the motion carried unanimously.

The Mayor presented No. 02PL109, a request by Centerline for 3 T's Land Development LLC for a **Final Plat** located west of the intersection of Minnesota Street and 5th Street. The following Resolution was introduced, read and Hanks moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Minnesota Ridge Subdivision: Plat of Lot 14R, Lots 24 thru 30 and Lots 41 thru 48 (formerly Lot 14 of Minnesota Ridge Subdivision & a portion of Tract C of Robbinsdale Addition No. 10) located in SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Minnesota Ridge Subdivision: Plat of Lot 14R, Lots 24 thru 30 and Lots 41 thru 48 (formerly Lot 14 of Minnesota Ridge Subdivision & a portion of Tract C of Robbinsdale Addition No. 10) located in SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 16th day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Kroeger. Pat Tlustos requested that the Council consider waiving the 40 lot rule. This project has an access out on Minnesota Street as well as Anna Maria and Alta Vista. There is an on-going issue with the right-of-way on Minnesota Street. The property owner will not plat the right-of-way, but there has been existing for over 20 years a 60' wide public access and utility easement. This easement has been improved and it provides satisfactory access in and out of the subdivision, although it does not technically meet the code. For that reason, we are asking for an exception. Tlustos added that the exception would also allow West Hills Village to proceed with 12 units of their proposed housing project adjacent to the subject property. Gene LeBrun was also present on behalf of West Hills Village. He urged the Council to take action on this issue so that the financing for this project can be finalized. They would like to begin construction in the spring. Hanks clarified his motion to read: Approve the Resolution Approving Plat and approve an exception to the Street Design Criteria Manual to allow 43 home sites. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

Motion was made by Hanks, seconded by Rodriguez and carried to approve a special exception to the Street Design Criteria Manual dealing with the 40 unit rule and allow **West Hills Village** up to 12 additional units.

The Mayor presented No. 02PL037, a request by Dream Design International, Inc. for a **Final Plat** on Lots 1-19 Block 1, Lots 1-37 Block 2, Lots 1-52 Block 3, Lots 1-38 Block 4, Lots 1-37 Block 5, Tract A, Tract B of Auburn Hills Subdivision, and dedicated streets, being a replat of the SW1/4 NW1/4 and NW1/4 SW1/4, and Lot 6A and 6B of the Madison Subdivision, being a replat of Lot 6 of the Madison Subdivision, all in Section 13, T2N, R7E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 NW1/4, less Haines Avenue Right-of-Way and NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and Lot 6 of Madison Subdivision, in the City of Rapid City, as shown on the Final Plat recorded in Book 12 of Plats on Page 106, Pennington County Register of Deeds, located west of Haines Avenue. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item until February 3, 2003.

The Mayor presented No. 02PL070, a request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 2 Block 7, Lots 8 through 16 Block 8, and Lots 1 through 7 Block 9, Lot 1 Block 10, Meadows Subdivision, located in the SE1/4 of the SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County South Dakota, legally described as Tract 1 of Parcel C of MJK Subdivision located in the E1/4 of The SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along the future extension of Field View Drive west of the Dakota Ridge Subdivision. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until January 6, 2003.

Planning Department – Hearings

The Mayor presented No. 02AN010, a request by the City of Rapid City and the South Dakota Department of Transportation for a **Petition for Annexation** on the balance of Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot 2 of Tract A of the NE1/4 SW1/4, Orchard Lane in the NE1/4 SW1/4, Lot H1 in Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot H1 in Lot 1 of the Well Addition in the SW1/4, Lot H1 in the N1/2 SE1/4 NW1/4, Lot H2 in the N1/2 SW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, Lot H5 in the NE1/4 NW1/4 lying south and west of SD Highway 44, and Lot H2 in the NW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, located south of SD Highway 44 East and South Valley Drive. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until January 20, 2003.

The Mayor presented No. 02CA048, a request by Renner and Sperlich Engineering for Walgar Development Corp. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 3.76 acre parcel from Public to Medium Density Residential**, located on Minnesota Street. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 16th day of December, 2002 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan by changing the future land use designation on a 3.76 acre parcel from Public to Medium Density Residential, on a portion of Tract B of Robbinsdale Addition No. 10 located in SW1/4 of NE1/4 of SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described by metes and bounds as commencing at the southeasterly corner of Tract B of Robbinsdale Addition No. 10, common to a corner of Lot 2 Block 11 of Addition No. 10, and the Point of Beginning; thence, first course: S89°43'09"W along the southerly boundary of said Tract B, common to the boundary of said Lot 2 of Block 11, a distance of 609.78 feet; thence, second course: N00°34'24"E, a distance of 70.00 feet; thence, third course: northeasterly, curving to the right on a curve with a radius of 125.00 feet, a delta angle of 60°01'13", a length of 130.94 feet, a chord bearing of N30°35'00"E, and a chord distance of 125.04 feet; thence, fourth course: northeasterly, curving to the left on a curve with a radius of 385.00 feet, a delta angle of 27°09'49", a length of 182.53 feet, a chord bearing on N47°00'42"E, and a chord distance of 180.82 feet; thence, fifth course: N89°43'09"E, a distance of 416.19 feet, to a point on the boundary of said Lot 2 Block 11; thence, sixth course: S00°34'24"W, along the easterly boundary of said Tract B, common to the boundary of said Lot 2, Block 11 a distance of 300.00 feet, to the southeasterly corner of said Tract B, and the Point of Beginning and good cause appearing therefor

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

Dated this 16th day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Hanks. Johnson spoke against any additional multi-unit dwellings in this area of the community. Minnesota Street is the most densely developed area in Rapid City and it should not continue. Upon vote being taken, the following voted AYE: Hanks, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: Johnson; whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 02CA053, a request by Williams and Associates for Black Hills Surgery Center, LLP for an **Amendment to the Comprehensive Plan to the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a .2141 acre parcel from Medium Density Residential District to Office Commercial with a Planned Commercial Development** on the following property: A portion of Lot 33 of Block 18 of Robbinsdale Addition No. 10 located in the SE1/4 of the NW1/4 of

Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 33 of Block 18 of Robbinsdale Addition No. 10, common to the southeasterly corner of Lot 32 of Block 18 of Robbinsdale Addition No. 10, and the Point of Beginning; thence, first course: N26°33'43"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 107.95 feet, to a westerly corner of said Lot 33 common to a easterly corner of said Lot 32; thence, second course: N00°29'17"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 263.76 feet, to a westerly corner of said Lot 33, common to the northeasterly corner of said Lot 32; thence, third course: S08°00'00"E, a distance of 235.00 feet; thence, fourth course S33°07'00"E, a distance of 112.08 feet, to a point on the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive; thence fifth course: S53°27'20"W, along the southerly boundary of said Lot 33, common to the northerly edge of right-of-way of Anamaria Drive, a distance of 15.00 feet, to a point of curve; thence, sixth course: southwesterly, along the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive, curving to the left on a curve with a radius of 648.63 feet, a delta angle of 3°32'00", a length of 40.00 feet, a chord bearing S51°41'20"W, and a chord distance of 39.99 feet, to the southwesterly corner of said Lot 33, common to the southeasterly corner of said Lot 32, and the point of beginning, located along Anamaria Drive west of 5th Street. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until January 6, 2003.

The Mayor presented No. 02CA064, a request by the City of Rapid City for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation on an 18.48 acre parcel from Public to Medium Density Residential with a Planned Development Designation** on the following property: The west 610 feet of the NE1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road and north of Degeest Street. Motion was made by Rodriguez, seconded by Kroeger and carried to acknowledge the applicant's withdrawal of this item.

The Mayor presented No. 02CA065, a request by Dream Design International, Inc for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation on a 3.48 acre parcel from Office Commercial with a Planned Development Designation to General Commercial with a Planned Development Designation**, located east of the intersection of Homestead Street and Elk Vale Road. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 16th day of December, 2002 to consider an amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation on a 3.48 acre parcel from Office Commercial with a Planned Development Designation to General Commercial with a Planned Development Designation, on the west 230 feet of the SE1/4 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and good cause appearing therefor

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

Dated this 16th day of December, 2002.

CITY OF RAPID CITY

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

s/ Jerry Munson

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

The Mayor presented No. 02PD042, **An Appeal of Planning Commission's approval of a Major Amendment to a Planned Residential Development to reduce the boundary of the Planned Residential Development** located on the following property: A portion of Tract A of Robbinsdale Addition No. 10 and a portion of Tract B of Robbinsdale Addition No. 10 located in SW1/4 of NE1/4 of SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described by metes and bounds as commencing at the northwesterly corner of Lot 1 of Block 26 of Robbinsdale No. 10, common to the southerly right-of-way of Minnesota Street, and the point of beginning, thence, first course: S00°38'52"W, along the westerly boundary of said Lot 1 of Block 26, common to the easterly boundary of Tract A of Robbinsdale Addition No. 10, a distance of 203.04 feet, to the southwesterly corner of said Lot 1 of Block 26, common to the northwesterly corner of Lot 2 of Block 26 of Robbinsdale No. 10, and the easterly boundary of said Tract A; thence, second course: S00°38'52"W, along the westerly boundary of said Lot 2 of Block 26, common to the easterly boundary of said Tract A, a distance of 227.41 feet, to the southwesterly corner of said Lot 2 of Block 26, common to the southeasterly corner of said Tract A; thence, third course: S89°40'37"W, along the southerly boundary of said Tract A, common to the boundary of Lot 2 of Block 11 of Robbinsdale No. 10, a distance of 453.13 feet, to a corner of said Tract A, common to a corner of said Lot 2 of Block 11, and a point on the easterly boundary of Tract B of Robbinsdale No. 10; thence, fourth course: S64°33'00"W, parallel with the southerly right-of-way of Minnesota Street, a distance of 312.04 feet; thence, fifth course: N28°45'23"W, a distance of 229.34 feet, to a point on the southerly right-of-way of Minnesota Street; thence, sixth course: N64°33'00"E, along the southerly right-of-way of Minnesota Street, a distance of 672.09 feet; thence, seventh course: northeasterly, curving to the right on a curve with a radius of 935.36 feet, a delta angle of 15°40'46", a length of 255.97 feet, a chord bearing on N72°23'23"E, and a chord distance of 255.17 feet, to the Point of Beginning, located on Minnesota Street. Planning Director Elkins explained that previous discussions with the Future Land Use Committee and the applicant resulted in a recommendation that the PRD be replaced with a Planned Development Designation. The applicant has not brought that application forward to date. Substitute motion was made by Kooiker and seconded by Johnson to continue this hearing until February 3, 2003 so that the applicant can submit the appropriate applications for a planned development designation. Upon vote being taken, the motion carried unanimously.

The Mayor presented No. 02SV026, a request by Fisk Land Surveying & Consulting Engineers for the North Haines Volunteer Fire Department for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, curb and gutter, street lights, dry sewer and water mains as regulated by Section 16.16 of the Subdivision Regulations on 143rd Street and Country Road** on Lot 1, North Haines II Subdivision, located in the SE1/4 SE1/4 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota, legally described as GL 4 less ROW; the unplatted balance of the SE1/4 SW1/4; the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Country Road and 143rd Street. Motion was made by Rodriguez, seconded by Waugh and carried to approve the requested Variance, with stipulation that the applicant sign a waiver of right to protest agreement for the required improvements.

The Mayor presented No. 02SV044, a request by Doug Sperlich for 16 Plus, LLP for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water and paving and to dedicate right of way for the collector road as shown on the Major Street Plan, to waive the requirement to install curb, gutter, sidewalks and street light conduit on U.S. Highway 16 and to waive the requirement to install sidewalk and street light conduit on Moon Meadows Drive as per Section 16.16 of the Rapid City Municipal Code** on Lots 2 thru 4, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 and Tract 2 of Pioneer Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of U.S. Highway 16 and Moon Meadows Road. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until January 6, 2003.

The Mayor presented No. 02SV045, a request by Centerline for 3 T's Land Development, LLC for a **Variance to the Subdivision Regulations to allow lots twice as long as wide as regulated by Chapter 16.12.190 of the Municipal Code** on Lots 30 and 47, Minnesota Ridge Subdivision, located in SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 14, Minnesota Ridge Subdivision, Section 13, T1N, R7E; and, a portion of Tract C of Robbinsdale Additional No. 10 located in SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of Minnesota Street and 5th Street. Motion was made by Rodriguez, seconded by Hanks and carried to approve the requested Variance.

The Mayor presented No. 02SV046, a request by D.C. Scott Co. for Thomas Estes for a **Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Aero Road and a section line highway as per Chapter 16.16 of the Subdivision Regulations** on Lot 2 of Estes Subdivision, Lot 4 Revised of Estes Subdivision, and the north 690.15 feet of that part of Estes Subdivision lying in the W1/2 NW1/4 SW1/4 of Section 15 except Lot 1 of Estes Subdivision, all located in the W1/2 SW1/4 NW1/4 and the W1/2 NW1/4 SW1/4 of Section 15, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2 and Lot 4 Revised of Estes Subdivision and the unplatted land; located in the W1/2 SW1/4 NW1/4 and W1/2 NW1/4 SW1/4 of Section 15, T1S, R7E, BHM, Pennington County, South Dakota, located 2.3 miles south of Reptile Gardens on Neck Yoke Road. Motion was made by Rodriguez, seconded by Johnson and carried to approve the requested Variance, with the following stipulation: 1) Any future platting resulting in an increase in lot(s) along either roadway will require that the road(s) be constructed to City street design standards.

The Mayor presented No. 02SV047, a request by Fisk Land Surveying for Dan O'Brien for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Subdivision Regulations** on Lots 1, 2 and 3 of Deadwood Avenue Business Park, located in the NE1/4 NW1/4 of Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 10A 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 1141 and 1161 Deadwood Avenue. Motion was made by Rodriguez, seconded by Waugh and carried to approve the requested Variance with the following stipulations: 1) Prior to Final Plat approval by the City Council, the applicant shall sign an encroachment agreement to be recorded with the Final Plat; and, 2) Prior to Final Plat approval by the City Council, the plat shall be revised to show a ten foot utility easement and revised lot line(s) along Lien Street.

The Mayor presented No. 02SV048, a request by Robert Looyenga for a **Variance to the Subdivision Regulations to waive the requirement to construct street and section line highway improvements as per Chapter 16.16 of the Subdivision Regulations** on Lot 35R, Lot 36R, and Lot 37R, Ponderosa Ridge Estates located in the N1/2 of the NW1/4

Section 31, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lots 35, 36, and 37 of Ponderosa Ridge Estates located in the N1/2 of the NW1/4 Section 31, T2N, R7E, BHM, Pennington County, South Dakota, located at 6560 Sun Ridge Road and 1107 Wildlife Road. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until December 27, 2002.

The Mayor presented No. 02VR005, a request by Doug Sperlich for Jeff Stone for a **Vacation of Right-of-Way** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until January 6, 2003.

The Mayor presented No. 02VR006, a request by Dream Design International, Inc. for a **Vacation of Right-of-Way** on Lots 1 thru 3 of Block 7 of Schnasse Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 225 East Watertown Street. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until January 6, 2003.

Ordinances & Resolutions

The Mayor announced the meeting was open for hearing on No. 02RZ047, second reading of **Ordinance 3859**, a request by Renner and Sperlich Engineering for Walgar Development Corp. for a **Rezoning from Low Density Residential District to Medium Density Residential District** on the following property: A portion of Tract B of Robbinsdale Addition No. 10 located in SW1/4 of NE1/4 of SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the northeasterly corner of Tract B of Robbinsdale Addition No. 10 common to a corner of Tract A of Robbinsdale Addition No. 10; thence, S00°34'24"W along the easterly boundary of said Tract B, common to the westerly boundary of said Tract A, a distance of 112.03 feet, to the Point of Beginning; thence, first course: S00°34'24"W along the easterly boundary of said Tract B, common to the westerly boundary of said Tract A, a distance of 9.87 feet, to the west corner common to said Tract A and Lot 2 of Block 11 of Robbinsdale Addition No. 10; thence, second course: S00°34'24"W along the easterly boundary of said Tract B, common to the boundary of said Lot 2 of Block 11, a distance of 545.67 feet, to the southeasterly corner of said Tract B; thence, third course: S89°43'09"W along the southerly boundary of said Tract B, common to the boundary of said Lot 2 of Block 11, a distance of 609.78 feet; thence, fourth course: northeasterly, curving to the left on a curve with a radius of 303.62 feet, a delta angle of 48°53'39", a length of 259.10 feet, a chord bearing of N47°46'47"E, and a chord distance of 251.31 feet; thence fifth course: northeasterly, curving to the right on a curve with a radius of 536.05 feet, a delta angle of 15°00'02", a length of 140.34 feet, a chord bearing of N30°49'59"E, and a chord distance of 139.94 feet; thence sixth course: northeasterly, curving to the left on a curve with a radius of 156.08 feet, a delta angle of 44°12'52", a length of 120.45 feet, a chord bearing of N16°13'34"E, and a chord distance of 117.48 feet; thence seventh course: N61°59'49"E, a distance of 43.64 feet; thence eighth course: N64°33'00"E, parallel to the southerly right-of-way of Minnesota Street, a distance of 316.88 feet, to the Point of Beginning, located on Minnesota Street. Notice of hearing was published in the Rapid City Journal on September 21 and September 28, 2002. Ordinance 3859, having had the first reading on September 16, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. Johnson spoke against any additional medium density residential zonings in this area of the community. The following voted AYE: Hanks, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: Johnson, whereupon the Mayor declared the motion passed and read the title of Ordinance 3859 the second time.

The Mayor presented No. 02RZ062, second reading of **Ordinance 3881**, a request by Williams and Associates for Black Hills Surgery Center, LLP for a **Rezoning from Medium Density Residential District to Office Commercial District** on the following property: A portion of Lot 33 of Block 18 of Robbinsdale Addition No. 10 located in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 33 of Block 18 of Robbinsdale Addition No. 10, common to the southeasterly corner of Lot 32 of Block 18 of Robbinsdale Addition No. 10, and the Point of Beginning; thence, first course: N26°33'43"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 107.95 feet, to a westerly corner of said Lot 33 common to a easterly corner of said Lot 32; thence, second course: N00°29'17"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 263.76 feet, to a westerly corner of said Lot 33, common to the northeasterly corner of said Lot 32; thence, third course: S08°00'00"E, a distance of 235.00 feet; thence, fourth course S33°07'00"E, a distance of 112.08 feet, to a point on the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive; thence fifth course: S53°27'20"W, along the southerly boundary of said Lot 33, common to the northerly edge of right-of-way of Anamaria Drive, a distance of 15.00 feet, to a point of curve; thence, sixth course: southwesterly, along the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive, curving to the left on a curve with a radius of 648.63 feet, a delta angle of 3°32'00", a length of 40.00 feet, a chord bearing S51°41'20"W, and a chord distance of 39.99 feet, to the southwesterly corner of said Lot 33, common to the southeasterly corner of said Lot 32, and the point of beginning, located located west of 5th Street along Anamaria Drive. Motion was made by Hadley, seconded by Johnson and carried to continue this hearing until January 6, 2003.

The Mayor announced the meeting was open for hearing on No. 02RZ068, second reading of **Ordinance 3887**, a request by Dream Design International, Inc. for a **Rezoning from Office Commercial District to General Commercial District** on the west 230 feet of the SE1/4 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Vale Road. Notice of hearing was published in the Rapid City Journal on November 23 and November 30, 2002. Ordinance 3887, having had the first reading on November 18, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3887 the second time.

Ordinance 3890, (No. LF112602-02) Regarding Supplemental Appropriation No. 3 for 2002, having passed the first reading on December 2, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3890 was declared duly passed upon its second reading.

Ordinance 3891 (No. LF112602-03) Regarding Supplemental Appropriation No. 1 for 2003, having passed the first reading on December 2, 2002, it was moved by Hadley and seconded by Johnson that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3891 was declared duly passed upon its second reading.

Ordinance 3892 (No. LF112602-04) Regarding Supplemental Appropriation No. 2 for 2003, having passed the first reading on December 2, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None,

whereupon the Mayor declared the motion passed and Ordinance 3892 was declared duly passed upon its second reading.

The Mayor presented **Ordinance 3893** (No. LF111302-09R) entitled An Ordinance Establishing a Municipal Recreation Board by Adding Chapter 2.88 to the Rapid City Municipal Code. Motion was made by Hadley and seconded by Kooiker to approve second reading. It was noted that this ordinance has not been approved by the Legal & Finance Committee. Substitute motion was made by Waugh, seconded by Rodriguez and carried to refer this ordinance to the Legal & Finance Committee for review and recommendation.

Ordinance 3895 (No. LF121102-19) entitled An Ordinance Amending the Adopted Uniform Building Code by Adding Section 15.12.025 to Chapter 15.12 of the Rapid City Municipal Code Relating to Appeals, was introduced. Motion was made by Hadley and seconded by Waugh to approve first reading and set second reading for Monday, January 6, 2003. The following voted AYE: Hanks, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: Johnson, whereupon the Mayor declared the motion passed, and second reading was set for Monday, January 6, 2003.

Ordinance 3896 (No. LF121102-20) entitled An Ordinance Repealing Chapter 1.08 of the Rapid City Municipal Code Relating to Wards and Precincts and Adopting a New Revised Chapter 1.08 of the Rapid City Municipal Code, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3896 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, January 6, 2003.

Ordinance 3897 (No. 02OA019) entitled An Ordinance Establishing Automobile Sales and Display Areas as Permitted Uses in the SC2 Community Shopping Center Zoning District by Amending Subsection (B)(1) of Section 17.32.020 of the Rapid City Municipal Code, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3897 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, January 6, 2003.

The Mayor announced the meeting was open for hearing on No. 02RZ073, second reading of **Ordinance 3894**, a request by City of Rapid City for a **Rezoning from Public District to Medium Density Residential District** on the west 610 feet of the NE1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road and north of Degeest Street. Notice of hearing on this hearing was published in the Rapid City Journal on December 7 and December 14, 2002. Ordinance 3894, having had the first reading on December 2, 2002, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3894 the second time.

Legal & Finance Committee Items

Motion was made by Hadley, seconded by Waugh and carried to table the request to accept grant monies from **Homeland Defense Program** in the amount of \$1,770 (No. LF121102-12).

Motion was made by Hadley and seconded by Johnson to table No. LF121102-02 - **Smart Growth Audit Request** for Proposals. Upon vote being taken, the motion carried with Kooiker voting no.

The next item discussed by the Council was No. LF082802-05, Roosevelt Ice Arena **Ice Rental Contract** with Rushmore Hockey and Skating Association. Motion was made by Hadley, seconded by Waugh and carried to approve the Contract.

Motion was made by Hadley, seconded by Waugh and carried to (No. LF121102-21) authorize Mayor and Finance Officer to sign **Quit Claim Deed** from Rapid City to Pennington County on Lots 20 through 27, Block 98, Original Townsite.

Motion was made by Johnson and seconded by Waugh to (No. LF121102-26) approve appointment of James Jackson and Brian Peterson to **Downtown Historic Sign Board & Reconfirm Appointment of the Remaining Members**. Kooiker stated that Jackson has already been appointed to this board as the representative from the Sign Code Board of Appeals. Substitute motion was made by Kooiker, seconded by Johnson and carried to refer this issue to the Legal & Finance Committee for review and recommendation.

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

RESOLUTION AUTHORIZING FUND TRANSFERS

WHEREAS SDCL 9-21-26 authorized the Governing Body to transfer surplus cash balances in one fund to any other fund of the Municipality;

NOW, THEREFORE, BE IT RESOLVED that the following fund transfers be authorized by the City Council of Rapid City:

| | | |
|-----------------|-------------------------------|-----------|
| FROM: | TO: | |
| Golf Enterprise | Fund 614, Executive Golf Ent. | \$115,000 |
| General Fund | Fund 614, Executive Golf Ent. | \$ 79,000 |

Dated this 16th day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

Public Works Committee Items

Motion was made by Rodriguez, seconded by Hanks and carried to authorize Mayor and Finance Officer to sign a Professional Service Agreement with Kadmas Lee & Jackson to complete an analysis of ST03-1252, **Cathedral Drive Pedestrian Crossing** for an amount not to exceed \$1,500 plus reimbursable expenses (No. PW121002-14).

Motion was made by Rodriguez and seconded by Hanks to open the **Roosevelt Ice Arena** on the Christmas and Easter holidays from 1:00 to 9:00 P.M. and regular hours on New Year's Day. Substitute motion was made by Hanks and seconded by Rodriguez to direct that the Ice Arena be open from 3:00 P.M. to 9:00 P.M. on Christmas and Easter, and normal hours on New Year's Day. Johnson stated that Christmas Day is a special holiday for families and the City should not open the ice skating rink. Substitute motion was made by Hadley and seconded by Johnson to close the Ice Arena on Christmas and Easter and have normal hours on New Year's Day. Dreyer spoke in favor of allowing the public to use this facility on

these holidays. Roll call vote was taken: AYE: Hadley, Kooiker, Kriebel, Johnson, and Waugh; NO: Kroeger, Dreyer, Hanks, Murphy and Rodriguez. Mayor Munson chose not to vote and the motion failed due to a tie vote. Roll call vote was taken on the first substitute motion to be open from 3:00 to 9:00 P.M. on Christmas and Easter: AYE: Waugh, Kroeger, Hanks, Murphy and Rodriguez; NO: Hadley, Kooiker, Kriebel, Johnson and Dreyer. Mayor Munson voted AYE and the motion carried.

Motion was made by Hanks, seconded by Waugh and carried to table the request by Michael Jacob, 615 West Blvd. to construct parking pad in public right-of-way. (Applicant must submit his request to the Historic Preservation Commission).

Motion was made by Rodriguez, seconded by Hanks and carried to table the request by Russell Oubre, 129 East Philadelphia Street, for time extension to remove a six foot privacy fence in the front yard.

Motion was made by Rodriguez and seconded by Murphy to authorize staff to solicit Requests for Proposals for a **Public Education Campaign** for the Automated Garbage Collection Program. Johnson stated that the City already has proposals for this campaign, so the motion on the floor is unnecessary. Asst. Public Works Director Ted Vore explained that staff interviewed three firms for this project and they recommend that the Council enter into a contract with Robert Sharp and Associates. Substitute motion was made by Dreyer and seconded by Waugh to accept the proposal from Robert Sharp & Associates for the automated garbage educational campaign, at a cost not to exceed \$69,700. Dreyer added that the City is under a time constraint to get the project done and he urged the Council to approve the contract. Kooiker stated that he is not comfortable with selecting a contractor for this project tonight. Mayor Munson added that the contract can be flexible enough to allow the City input on the methods used for public education. Vore added that a representative from Robert Sharp & Assoc. would like to come to a committee meeting to give a short presentation on how they plan to implement the project. Kooiker noted that the term of the contract is through March 15th. He requested assurance that none of the names or titles of public officials be mentioned in the ads and that no public officials appear in any of the ads or mailings. Vore stated that none of the people have been selected who will appear in the advertisements. These individuals will all be approved by the council before the advertisements are used. Johnson expressed concern about spending \$69,700 to educate people on how to take their garbage to the curb. Roll call vote was taken: AYE: Kriebel, Waugh, Kroeger, Dreyer, Murphy and Rodriguez; NO: Hadley, Kooiker and Johnson. Motion carried, 6-3.

Motion was made by Rodriguez and seconded by Kroeger to table the request by Tim Mills, 4448 West Glen Place, for two **curb cuts**. Roll call vote was taken: AYE: Hanks, Murphy, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Johnson; NO: Kooiker and Kriebel. Motion to table carried, 8-2.

Bills

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

| | |
|---|------------|
| Payroll Ending 11-30-02, Paid 12-06-02 | 570,642.99 |
| Payroll Ending 11-30-02, Paid 12-06-02 | 915.85 |
| Pioneer Bank & Trust, taxes Paid 12-06-02 | 139,034.91 |
| Pioneer Bank & Trust, taxes Paid 12-06-02 | 66.39 |
| Berkley Administrators, Claims Paid 12-09-02 | 20,744.72 |
| First American Administrators, claims Paid 12-04-02 | 60,004.42 |
| First American Administrators, claims Paid 12-11-02 | 143,657.35 |

| | |
|---------------------------------|-----------------------|
| US Post Master, billing postage | 2,200.00 |
| Computer Bill List | 4,162,245.03 |
| Total | <u>\$5,099,511.66</u> |

| | |
|---|-----------------------|
| Payroll Ending 11-30-02, Paid 12-06-02 | 2,552.80 |
| Pioneer Bank & Trust, taxes Paid 12-06-02 | 191.41 |
| City of Rapid City, postage | 37.26 |
| City of Rapid City, health insurance | 608.56 |
| RSVP Petty Cash, stamps | 37.00 |
| Dakota Business, copier usage | 9.32 |
| Philfleet, gasoline | 121.00 |
| Simpson's Creative Printers, newsletter | 79.50 |
| SD Retirement System, pension | 269.56 |
| SD School of Mines, telephone | 47.15 |
| Standard Life, insurance | 7.92 |
| Total | <u>\$5,103,473.14</u> |

Treasurer's Checks

| | |
|----------------------|-----------------------|
| Mainline Contracting | 2,546.98 |
| Mainline Contracting | 250.00 |
| Total | <u>\$5,106,270.12</u> |

City Attorney

City Attorney Altman explained that the appeal by Phil Olsen on behalf of Tower Ridge, LLC will be going back to the Development Appeals & Review Board for additional review on the request to use metal pipe rather than concrete pipe. Motion was made by Hanks, seconded by Rodriguez and carried to table this item.

Items from Visitors

Phil Olsen expressed concern about issues that city staff has raised concerning Promise Road and Rockrim Road. The layout and preliminary plans for these roads were approved last spring and now the city is requesting additional right-of-way. This will make all the engineering work that has been done to date obsolete. Motion was made by Kroeger and seconded by Murphy to put this item on the next Public Works Committee agenda for discussion as well as the CAD Standards and design criteria manual. Kroeger modified his motion to direct staff to sit down with Phil Olsen to see if these issues can be resolved prior to the special council meeting on December 23, 2002, and that this item be placed on the December 23rd Council agenda for consideration. Second by Murphy. Upon vote being taken, the motion carried unanimously.

Executive Session

Motion was made by Hanks and seconded by Johnson to go into executive session to discuss pending litigation, contractual, and personnel matters. The Council came out of executive session at 11:10 P.M. with all members present.

Motion was made by Rodriguez and seconded by Hanks to authorize the Mayor and Finance Officer to sign the Stipulation in the matter of the City of Rapid City vs. Phatty McGees. Upon vote being taken, the motion carried with Kriebel voting no.

This was the time set for hearing on the application of Phatty McGees, Inc. dba **Phatty McGees**, 321 Seventh Street, for an On-Sale Liquor License Renewal and Sunday Opening. Motion was made by Waugh and seconded by Johnson to approve the application. Upon vote being taken, the motion carried with Kriebel voting no.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:15 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)