

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
April 7, 2003

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, April 7, 2003 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, Ray Hadley, Ron Kroeger, Rick Kriebel and Mel Dreyer; the following arrived during the course of the meeting: None; and the following were absent: None.

Motion was made by Johnson, seconded by Waugh and carried to correct the minutes of March 26, 2003 to show the correct project number for Canyon Lake Park Improvements as PR03-1273; and approve the minutes of March 17, March 26 and April 2, 2003.

Bid Openings

The following companies submitted bids for One New Current Model Year **Stump Grinder** for the Parks Division: 1) Vermeer Equipment and 2) Northern Truck Equipment. Staff has reviewed the bids and recommends award to Vermeer. Preston reported that the bid submitted by Northern Truck did not meet the bid specifications. Motion was made by Rodriguez, seconded by Murphy and carried to award the bid for One Stump Grinder for the Parks Division to Vermeer Equipment Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$39,500.

The following companies submitted bids for One New Current Model Year **Front End Loader** for the Street Division, which were opened on March 27, 2003: 1) JD Evans, Inc.; 2) Sheehan Mack Sales; 3) RDO Equipment Company; 4) Diesel Machinery, Inc.; 5) Piorier Equipment Company; and 6) Butler Machinery Company. Staff has reviewed the bid and recommends award to Piorier Equipment Company, for the total cost bid option. Motion was made by Rodriguez and seconded by Hanks to award the bid for One Front End Loader for the Street Division to Piorier Equipment Company, the lowest responsible bidder meeting specifications, based on their total lowest cost bid in the amount of \$45,850. Hadley objected to using the total cost bid method for purchasing equipment. Roll call vote was taken. AYE: Rodriguez, Murphy, Hanks, Dreyer, Kroeger, Waugh, and Johnson; NO: Kriebel, Hadley and Kooiker. Motion to approve carried, 7-3.

The following companies submitted bids for Two New Current Model Year **Sander Trucks With Plows** for the Street Division, which were opened on March 27, 2003: 1) BH Truck & Trailer; 2) West River International; 3) Sanitation Products; and 4) Eddie's Truck Sales. Staff has reviewed the bids and recommends award of the net bid only to Sanitation Products. Motion was made by Rodriguez, seconded by Murphy and carried to award the bid for Sander Trucks with Plows to Sanitation Products, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$168,260.

The following companies submitted bids for **Executive Golf Course Pro Shop Remodel/Residing Project** No. GC03-1303 which were opened on March 27, 2003: 1) Heavy Constructors; 2) Glenn Barber & Assoc.; and 3) Scull Construction. Staff has reviewed the bids and recommends award to Heavy Constructors. Motion was made by Hanks, seconded by Murphy and carried to award the bid for GC03-1303 to Heavy Constructors, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$24,210.

The following companies submitted bids for **Fire Station No. 3**, Rapid City, South Dakota, Project Number FD03-1266, which were opened on April 3, 2003: 1) Scull Construction; 2) RCS Construction; 3) Dean Kurtz Construction; 4) Corner Construction; 5) Glenn Barber & Associates; 6) Seco Construction; 7) Heavy Constructors and 8) Mac Construction. Staff recommends that this item be referred to the CIP Committee for review. Motion was made by Rodriguez, seconded by Hanks and carried to refer this bid award to the CIP Committee for review and recommendation.

The following companies submitted bids for **Downtown Alley Resurfacing Project No. STCM02-1240** which were opened on April 3, 2003: 1) J&J Asphalt; 2) Hills Materials Company and 3) Simon Contractors of SD. Staff has reviewed the bids and recommends award to Hills Materials. Motion was made by Hanks, seconded by Rodriguez and carried to award the bid for STCM02-1240 to Hills Materials Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$16,717.

Mayor's Items

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

Members of the **Black Hills Tartan Scottish and Irish Society** appeared before the Council. April 6 of each year has been designated by Congress as "Tartan Day". This day celebrates the contributions of Scottish and Scottish-Americans to American culture, politics and art. A swatch of the Black Hills Tartan was submitted to the Council in honor of "Tartan Day".

Munson presented a **Certificate of Recognition** to Craig Schaffer and commended him for 28 years of service to the community. Schaffer retired from the Fire Department at the end of March.

Yashreka Huk and Casey Jones made a presentation to the Council outlining the results of a survey on why young people are leaving the Rapid City community. Seventy three students participated in the survey and the following reasons were identified: 1) School Funding; 2) Diversity; 3) Economy; 4) Opportunities and 5) Competition. The following ideas were submitted to "fix" these problems: 1) Additional school funding; 2) Encourage large companies to locate here to provide additional opportunities; 3) Additional support from the community for youth activities; 4) Development of activities for youth in the community (teen center for example).

Fire Chief Gary Shepherd explained that the **breathing air compressor** recently blew up and must be replaced. He requested that the Council approve an emergency purchase to replace this equipment. The compressor is used to fill air tanks used by fire fighters. He estimated the cost to replace the equipment at \$38,890. He added that the county fire fighters will participate in the cost to replace the compressor. Shepherd stated that he could pay for the equipment from the Fire Department budget at this time, but the budget will need a supplement at the end of the year. Motion was made by Hanks and seconded by Hadley to authorize the emergency purchase of this equipment. Finance Officer Preston explained that quotes for the equipment must be recorded in the minutes. Shepherd stated that he has not yet received the quotes for this equipment. Hanks amended his motion to continue this item to the Special Council Meeting scheduled for Thursday, April 10, 2003. Second by Dreyer. Upon vote being taken, the motion carried unanimously.

Project Manager Rod Johnson presented an update of **2012 Projects**.

Library Director Greta Chapman informed the Council about National Library Week and the activities that are being planned.

Alderson Items/Liaison Reports

Alderman Ray Hadley stated that he has requested information from the Public Works Director on several occasions, but he has not received a response. Motion was made by Hadley and seconded by Kooiker that information on the criteria and reasoning for a light at the intersection of Haines Avenue and Wambli be submitted to the Council. Public Works Director Bjerke stated that this light is at the intersection of Haines and Paha Sapa and was installed in conjunction with the Lowe's construction project. A traffic study was done by a consultant and a copy of this study could be provided to anyone who is interested. Upon vote being taken, the motion carried unanimously.

Motion was made by Hadley and seconded by Kooiker to direct the Public Works staff to provide information on the utility cut at 641 N. Maple Avenue which needs to be repaired. Upon vote being taken, the motion carried unanimously.

Hadley requested that staff provide the other information he has requested. Kriebel requested information on the striping project on Haines Avenue and the light sequencing in the downtown area. He also suggested that staff investigate the possibility of working at night to complete the Omaha Street project as soon as possible.

Special Items and Items from Visitors

George Dunham stated that he feels his subdivision project should be exempt from the capital development fees because the subdivision plans were approved prior to the election date, similar to the Harmony Heights project. City Attorney Altman stated that based on the ordinance, he does not feel Mr. Dunham is eligible for any exemption from the capital development fees. Kooiker questioned the criteria that was used to make these decisions. Altman stated that the criteria was presented at the committee meetings on Tuesday and Wednesday. Copies are available in the Attorney's Office. Johnson stated that this issue is in litigation and the court should make this decision. Dunham stated that this issue is not in litigation at this time and he hopes the city can resolve it without going to court. Motion was made by Rodriguez and seconded by Kooiker that we exempt the hook up fees for the **Dunham Estates development**. Altman stated that he feels the motion made by Rodriguez is illegal. Murphy stated that this issue should be settled in the court system, not by the City Council. Kriebel stated that if the city exempts Dunham's development, the same benefit should be given to all other developers that were in the same stage of development. Substitute motion was made by Kooiker, seconded by Dreyer and carried to continue this item to the next Public Works Committee meeting.

The next item on the agenda was an appeal by Carson Merkwon of the Police Chief's denial of his application for a security license. Merkwon was not present. Motion was made by Johnson, seconded by Waugh and carried to deny the appeal.

Motion was made by Hadley, seconded by Hanks and carried to move Item No. 31 forward on the agenda.

The next item discussed by the Council was No. LF040203-05 relative to annexation of property in Rapid Valley. Motion was made by Rodriguez and seconded by Murphy to **Proceed with the annexation** of the area west of Reservoir Road and east of Elk Vale Road and direct staff to prepare the revised resolution of annexation and submit it to the County Commission for their approval. Jeff Slather stated that this is a forced annexation and he expressed concern about why the city is proceeding based on the recent action of the State Legislature. Slather stated that no information has been given to the affected property owners on this issue. Elkins went through the revised boundaries of the annexation area noting that the area is greatly reduced from the original request. Kooiker stated that he feels the city should table this action and pursue a voluntary annexation of this area. Dreyer and Johnson

spoke in favor of the annexation of this area for the benefit of the entire community. Hadley spoke against the involuntary annexation component of this action. Elkins added that this issue will come back to the City Council for action after it is considered by the County Commission. This will provide another opportunity for affected property owners to address their concerns. Roll call vote was taken: Hanks, Johnson, Murphy, Waugh, Rodriguez, Kroeger, Kriebel and Dreyer; NO: Kooiker and Hadley. Motion to proceed carried, 8-2.

Alcohol License Application Hearings

Motion was made by Kroeger, seconded by Hanks and carried to move Item No. 83 forward on the agenda.

The next item discussed by the Council was No. 03UR001, an **Appeal of the Planning Commission's denial of a Conditional Use Permit to allow an On-Sale Liquor Establishment** on, legally described as Lot 11R of Lot K-3 of Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1715 North LaCrosse Street. Motion was made by Rodriguez and seconded by Hanks to continue this item until April 21, 2003. Lisa Sissenstein requested that the Council vote on this issue tonight based on the information that has been submitted. Planning Director Elkins explained that the applicant wanted to explore all options relative to the internal air quality system. Kooiker stated that he feels the Council has enough information to make a decision on this matter and he urged defeat of the motion to continue. Roll call vote was taken on the motion to continue: AYE: Rodriguez, Murphy, Hanks, Dreyer, Kroeger, Waugh and Johnson. NO: Kriebel, Kooiker and Hadley. Motion carried, 7-3.

Motion was made by Kroeger and seconded by Rodriguez to continue the public hearing on the application by Northcott Company dba **Perkins Restaurant and Bakery**, 1715 LaCrosse Street, for an On-Sale Malt Beverage License, until April 21, 2003. Lisa Sissenstein spoke against delaying action on this item. Roll call vote was taken: AYE: Rodriguez, Murphy, Hanks, Dreyer, Kroeger, Waugh and Johnson; NO: Kriebel, Kooiker and Hadley. Motion to continue carried, 7-3.

This was the time set for hearing on the application of Keith M. Watson dba **Red's Savoy Pizza**, 510 St. Joseph Street, for an On-Off Sale Malt Beverage License Transfer (from James Wilcox). Upon motion made by Hadley, seconded by Kroeger and carried, the Council approved the application.

Upon motion made by Hadley, seconded by Rodriguez and carried, the Finance Officer was directed to publish notice of hearing on the application of Black Hills Heritage Festival, for a special malt beverage license to be used in Memorial Park on July 3, 4, and 5, 2003, said hearing to be held on April 21, 2003.

Consent Calendar

The following items were removed from the Consent Calendar:

25. Direct the City Attorney's Office to prepare an ordinance amendment to 6.12.035 for Monday Council to remove Mary Hall Park from the leash free designation.
30. Authorize staff to Apply for Four-Year Continuation Grant and authorize the Mayor and Finance Officer to sign the award notice when we get it back.
31. No. LF040203-05 – Proceed with the annexation of the area west of Reservoir Road and east of Elk Vale Road and direct staff to prepare the revised resolution of annexation and submit it to the County Commission for their approval.
33. No. LF040203-06 – Authorize Mayor and Finance Officer to Sign Applications for 11-6-19 Review to allow the process to move along.

39. No. LF040203-17 – Approve Resolution to Establish the Position of Recreation Department Director.
45. Request that the Design Standards Procedures be put on the agenda for discussion by the Development Appeals and Review Board.

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

Public Works Committee Items

11. Award the bid for DR00-902, Knollwood Detention Pond Element 310, to RCS Construction, Inc., the lowest responsible bidder meeting specifications based on their low unit prices bid, for a total contract amount of \$310,926; as Black Hills Excavating is not a responsible bidder.
12. No. PW040103-02 – Authorize staff to advertise for bids for One (1) New Current Model Year Easement Machine for Utility Maintenance.
13. No. PW040103-03 – Authorize staff to advertise for bids for a 2003 Roadway Marking Contract.
14. No. PW040103-04 – Authorize staff to advertise for bids for Liquid De-Icing Chemical.
15. No. PW040103-05 – Authorize staff to advertise for bids for STCM03-1295, 2003 Edge Milling Project.
16. PW040103-06 – Authorize Mayor and Finance Officer to sign Amendment No. 02 to a Professional Services Agreement with FMG, Inc. for W01-1084, Design East St. Louis and Waterloo Watermain Reconstruction Project for an amount not to exceed \$9,464.50.
17. No. PW040103-08 – Authorize Mayor and Finance Officer to sign South Dakota Department of Transportation Right of Entry Agreement for Project NH 0235(01)0, PCEMS No. 3151, Southeast Connector (south portion).
18. No. PW040103-09 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to a Professional Services Agreement with TSP Three, Inc. for ST03-1161, Construction Inspection of Bridge Repairs for an amount not to exceed \$8,217.50.
19. No. PW040103-10 – Authorize Mayor and Finance Officer to sign Use of Easement and Indemnification Agreement with JR Investments, LLC.
20. No. PW040103-11 – Authorize Mayor and Finance Officer to sign a Professional Services Agreement with FMG, Inc. for ST03-817, Testing and Inspection Canyon Lake Drive Reconstruction, Project for an amount not to exceed \$45,832.00.
21. Authorize the sale of one (1) 1998 Commercial Crane Carrier Refuse Truck with Heil Formula 5000 20 yard body, serial number 1CYCCK48XWT043413 to the City of Belle Fourche for two annual installments of \$16,000 for a total of \$32,000.
22. No. PW040103-13 – Approve a twenty foot wide driveway access onto Jolly Lane for Leslie Potts, 4061 Jolly Lane.
23. Approve the request from Dawn Laskowski of the American Red Cross for use of the Alpine Ponderosa Room at the Civic Center and the Rapid City Council Chambers for the “Together We Prepare” Program which will be presented to the citizens of Rapid City. The program has been coordinated with the Police, Fire and Emergency Management Office and will be made April 12, 17 and 22, with the April 17 presentation being taped to air on cable television.
24. Approve the Water Conservation Measures for 2003.

Legal & Finance Committee

26. No. LF040203-01 – Approve Travel Request for Matthew Culberson to Attend Advanced HazMat Technician Classes in Pueblo, CO, from June 16-20, 2003, in the Sum of \$1,812.
27. No. LF040203-02 – Authorize Staff to Enter into Contractual Agreement with State of South Dakota for a Grant to Cover the Above Expenses.
28. No. LF040203-03 – Authorize staff to apply for Fire Act Grant up to \$100,000 for an exhaust removal system. This would require a 30% local match.

29. No. LF040203-04 – Authorize staff to advertise for Bids for Spectrometer.
32. Delay demonstration of New Internet-Based RapidMap Mapping Service to the informational meeting in July, and direct staff to set up small group demonstrations.
34. No. LF040203-07 – Authorize Mayor and Finance Officer to Sign Waiver of Right to Protest Future Assessment for the installation of curb, gutter, sidewalk, street light conduit, sewer, water and paving for the driveway within the section line highway located on Tract 1 of SW1/4 NW1/4, Section 23, and Lot B of Lot 1 of NE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
35. Set Special Council Meeting for Thursday, April 10, 2003, at 1:15 P.M. to Canvas City/School Election.
36. Authorize the City to Pay \$821.16 Plus Additional Penalty for Delinquent Taxes on Lot H1 of Elks Country Estates.
37. No. LF040203-08 – Approve Resolution Establishing Change Fund.

RESOLUTION ESTABLISHING CHANGE FUND

WHEREAS it has been determined that the Department of Fire & Emergency Services requires a Change Fund to operate the ambulance service efficiently

NOW, THEREFORE, BE IT RESOLVED that a Change Fund in the amount of Two Hundred Dollars (\$200) be established for the Department of Fire and Emergency Services, Ambulance Service, and that the City Finance Officer is authorized to issue a treasurers check to establish such fund:

Dated this 7th day of April, 2003.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

38. No. LF040203-09 – Approve Allocation of Additional Funding for Subsidy Committee. (American Red Cross \$2,500; Big Brothers/Sisters \$1,500; City Wide Halloween Party \$750; Cornerstone Rescue Mission \$2,000; Community Health Center \$2,427.50; Habitat for Humanity \$2,000; Salvation Army \$2,000; Working Against Violence \$1,500; Total \$14,677.50)
40. No. LF040203-10 – Authorize Ice Arena Manager to Sign Short Term Roosevelt Ice Arena Rental Contracts.
41. No. LF040203-11 – Approve Form Contract for Roosevelt Ice Arena Ice Rental Contract (Seasonal).
42. No. LF040203-13 – Authorize Mayor and Finance Officer to Sign Codification Agreement with American Legal Publishing using dual columns and also receiving both CD and internet access.
43. No. CC040703-06 – Approve the following licenses: Central Station Service: WH International Response Center, Division of Wright-Hennepin Cooperative Electric Association; Mechanical Contractor: Action Mechanical-Chris Johnson; Action Mechanical-John Hammond, Jr.; Aero Sheet Metal-Lee Estes; Al Cornella Refrigeration-Al Cornella; American Quality-Jeffrey A. Murphy; Central States Mechanical-Bill M. Brown; Champion Home Service-Cody Champion; Dakota Heating & A/C-Tony Baumstarck; Equipment Service Professionals-Jim Swaby; FBI Mechanical Electrical-Dave Willard; High-Tech Mechanical, Inc-J. Craig Waddington; Jim's Plumbing & Heating-Jim Schnittgrund; K & D Appliance Service-David L. Strand; K & D Appliance Service-Kevin Broom; L & M Appliance Specialists, Inc-Lee Seaman; Mark's Home Services-Mark Deperte; Mc Carthy Services-Dave J. Mc Carthy; Noble

Heating & Air Conditioning-Kenneth Noble; Opstedahl Plumbing-Gene Opstedahl; Ray's Heating & Air Cond-Raymond R. Winters; Ronneberg HVAC, Inc-Ron Ronneberg; Viking Mechanical-Randy Smart; Western SD Community Action-Harold Lund; Western SD Community Action-Richard E. Anderson; Mechanical Apprentice: Douglas Amick, David E. Bay, Jerald Cihak, Robert W. Eggers, Terry Englebert, Frank Evans, Kenneth Gibson, Ronald E. Glasscock, Charles W. Lefler, John Lefler, Jr., Brian Morgan, Randy T. Palmer, Justin Peckham, Jeffrey Phelps, Luke Ronneberg, Dale Sartorius, John Siers, Mark Sigler, Leonard Snavelly, Rodney Witte, Josh Yeager, Victor Zepeda; Mechanical Installer: Marvin H. Anderson, Mike Anderson, John Asby, Sr., Brian Bies, Terry A. Borr, Joel R. Brown, Barry T. Bugenhagen, Dennis Carlton, Craig Chmelka, James B. Copeland, Al Cornella, Scott Cornella, Glenn Delabarre, Mark A. Deperte, Chris Derrick, Michael Dickson, Franklin G. Durst, Jason D. Fenner, Troy Finck, Doug Frisk, Chuck Hibbard, Chris Johnson, Todd Johnson, Shawn Kast, Ernest Kouba, Scott Latuseck, Ron Lineweber, Chuck Madrigal, Brad Madsen, David C. Marrs, Jeffrey A. Murphy, Edwin Nobel, Kenneth Noble, Harlon Olson, Richard J. Petersen, Richard J. Reif, Kevin Schmidt, Dale Schulte, Michele Seaman, Boyd Thompson, John B. Thompson III, Steve Van Dam, Robert Witte, Joe Youngblood; Residential Contractor: Avalon Construction, Barry Peterson, Dustin Hunter; Second Hand: Crazy Rae's Used Furniture, Randy J. Singer; Sewer & Water Installer Journeyman: Richard Barber, Kevin Bowman; Trenching Journeyman: Jason Bintliff; Sewer & Water Contractor: (Contingent Upon Proof of Insurance and State License Renewal): Alan K. Schroeder; Earthorizons, Inc., Robert Burns; Jim's Plumbing & Heating, Jim Schnittgrund; Plumbing Plus, Jon Anderson; Solinsky Construction, Inc., Donald Solinsky; Inactive Sewer & Water Contractor: Alan K. Schroeder; Sewer & Water Installer Journeyman: (Contingent upon State License Renewal) Donald Brumbaugh, Michael W. Irwin, Thomas Lester, David R. Mueller; Trenching Contractor: Cable Builders, Inc., David Bintliff; Flagler Trucking Construction, Nancy Flagler; Jim's Water Service, Richard Reib; Stan's Excavating, Stan Willmschen; Trenching Journeyman: Jack Beebe, Pat Givens.

44. Allocate \$1,500 from the Council Contingency Fund for Black Hills Disk Golf Confederacy to use for their Region 7 Championship Tournament to be held in Rapid City on June 7 and 8, 2003.
46. No. LF040202-16 – Approve Reappointment of Martin Busch, Mike Stanley and Pat Pummel to the Beautification Committee to Run until 12/2005.
47. Authorize staff to spend up to \$7,000 to expand the fireworks show and to take what is left of the \$20,000 and use it to purchase the equipment appropriate to have on hand for a large scale disaster as shown on the list provided by the Red Cross.
48. Authorize Purchase of Furniture, Fixtures, and Materials from J.R. Hamlet in the Amount of \$14,764.

Raffle

49. No. CC040703-02 – Notification of Raffle from Black Hills Pony League Baseball, raffle to be in late May, 2003.

End of Consent Calendar

Motion was made by Johnson and seconded by Murphy to direct the City Attorney's Office to prepare an ordinance amendment to 6.12.035 to remove **Mary Hall Park** from the lease free designation. It was noted that this item will be on the next Legal & Finance Committee Agenda for consideration. Upon vote being taken, the motion carried unanimously.

Motion was made by Kroeger, seconded by Hadley and carried to authorize the Mayor and Finance Officer to sign the Application and Award Notice of Year Four Funding (for **Weed & Seed Program**).

Motion was made by Kroeger, seconded by Rodriguez and carried to approve No. LF040203-06 – Authorize Mayor and Finance Officer to Sign **Applications for 11-6-19 Review** to allow the process to move along. Elkins explained that this action will allow the Mayor and Finance Officer to sign all applications to allow them to go through the process without requiring that they go through the City Council.

The following Resolution was introduced, read and Hanks moved its adoption (No. LF040203-17):

RESOLUTION TO ESTABLISH THE POSITION
OF RECREATION DEPARTMENT DIRECTOR

WHEREAS, a job evaluation has been conducted utilizing the Factor Evaluation System methodology to establish the position within the city’s compensation plan; and,

WHEREAS, the evaluation established that the duties and responsibilities of the described position of Recreation Department Director justify placing this classification in Grade 25 of the Non-Union pay scale;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the Non-Union Pay Plan by adding this position classification description at the Grade 25 as recommended in the job evaluation.

Passed this 7th day of April, 2003

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

THE CITY COUNCIL
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Murphy. Kooiker asked if this action will create another position for the Recreation Department. Preston explained that this action will establish the position of a Department Director. He recommended that this position be filled and then staff can review the staffing structure for the entire division. Upon vote being taken, the following voted AYE: Hanks, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: Johnson, whereupon said Resolution was declared duly passed and adopted.

Motion was made by Rodriguez and seconded by Kooiker to request that the **Standard Specifications for Public Works Construction Projects** be put on the agenda for discussion by the Development Appeals and Review Board. Murphy spoke against the motion noting that the DARB should not be making these decisions. Kriebel noted that the DARB would not be approving or disapproving, only making a recommendation. Johnson stated that if we use this review procedure for this document, then all specifications and technical documents should be sent for review by the DARB. Kooiker called the question. Upon vote being taken, the question was called. Roll call vote was taken on the motion to send the specifications to the DARB for review: AYE: Rodriguez, Hanks, Kroeger, Waugh, Kriebel, Kooiker and Hadley; NO: Murphy, Dreyer and Johnson. Motion carried, 7-3.

Public Hearing

The Mayor announced that the meeting was open for consideration of the Resolution of Necessity for Block 7 Boulevard Addition Alley Paving Project No. ST03-1269 (No. CC040703-05). Notice of Hearing was published in the Rapid City Journal on March 15 and March 22, 2003 and mailed to property owners on March 5, 2003. No oral or written

comments were submitted. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION OF NECESSITY
FOR
BLOCK 7 BOULEVARD ADDITION ALLEY PAVING PROJECT NO. ST03-1269

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

The City Council hereby declares the necessity of paving approximately 400 linear feet of alley as located in Block 7 of the Boulevard Addition.

The general nature of the project is as set forth above, and reference for detail is hereby made to the drawings and specifications that will be prepared by the Engineering Department and placed on file with the City Finance Officer.

The estimated costs of the project are \$17,000 of which 60% (\$11,500) will be assessed to the benefiting properties on the basis of front footage.

These estimated assessed costs include six percent (6%) engineering fees and five percent (5%) fiscal fees. Interim construction fees to be determined by the Finance Officer shall be included in the project cost, which will be assessed to the benefiting properties.

The recorded owners of the affected properties are as follows:

Owner	Property	Estimated Cost
Charles & Geraldine Root 1319 Kansas City Street Rapid City, SD 57701	Boulevard Addn, Block 7 W100' of E200' of Lot 14	\$1,500
Janette & William Tysdal 1315 Kansas City Street Rapid City, SD 57701	Boulevard Addn, Block 7 W50' of E100' of Lot 14	\$800
James & Cindy Squires 1311 Kansas City Street Rapid City, SD 57701	Boulevard Addn, Block 7 E50' of E100' of Lot 14	\$800
Jennifer French & Dennis Morton 713 West Street Rapid City, SD 57701	Boulevard Addn, Block 7 Lots 5-6	\$200
Jeri Deschamp 715 West Street Rapid City, SD 57701	Boulevard Addn, Block 7 Lot 7 & N1/2 of Lot 8	\$600
Justin & Barbara Lena 3608 Winners Circle Rapid City, SD 57701	Boulevard Addn, Block 7 S1/2 of Lot 8 & all of Lots 9-10	\$1,000
Jonathan Deyoe 1027 Shattuck Avenue Berkley, CA 94707	Boulevard Addn, Block 7 Lots 11-12	\$800

Ann Stanton 1314 Quincy Street Rapid City, SD 57701	Boulevard Addn, Block 7 S80' of E50' of Lot 13	\$1,200
Jerold & Jeanie Perrett 2724 W. St. Anne Street Rapid City, SD 57701	Boulevard Addn, Block 7 N60' of E50' of Lot 13	\$1,700
Judith Stahley 1316 Quincy Street Rapid City, SD 57701	Boulevard Addn, Block 7 N40' of W50' of E100' of Lot 13	\$800
Calvidge & Linda Perry 1343 Ponderosa Place Rapid City, SD 57701	Boulevard Addn, Block 7 Lot B of Lot 13	\$700
Stuart Martin 3942 Wingate Street Rapid City, SD 57701	Boulevard Addn, Block 7 N70' of W55.15' of E155.5' of Lot 13	\$900

The method of apportionment is as follows:

- The above affected property owners will be assessed 60% of the cost of the street improvements on a 'front footage' basis. The total assessed cost is estimated to be \$17,000.

The above-described project shall hereinafter be referred to as the Block 7 Alley Paving (Boulevard Addition) Project ST03-1269, which shall be deemed a description of the project as hereinafter set forth.

Dated this 7th day of April, 2003.

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

THE CITY COUNCIL
s/ Jerry Munson, Mayor

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

Planning Department Consent Items

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

51. 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 APRIL 21, 2003)
52. 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 ROW 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 APRIL 21, 2003)

53. 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 JUNE 16, 2003)
54. 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 APRIL 21, 2003)
55. 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 APRIL 21, 2003)
56. 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 APRIL 21, 2003)
58. No. 02PL116 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 1, Block 1; Lots 1 thru 5, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; Lots 1 thru 4, Block 5; Lot 1, Block 6 and dedicated Street, Big Sky Business Park, located in the SW1/4 SW1/4 and the S1/2 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 SW1/4 NW1/4 including private drive, less Lot H2 and less right-of-way; the unplatted portion of the E1/2 SW1/4 NW1/4; and the unplatted portion of the S1/2 GL3; S1/2 GL4 less Lot 1 and less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and less right-of-way; all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Vale Road. (CONTINUE TO APRIL 21, 2003)
59. No. 02PL119 - A request by Kevin Conway for Norman or Rod McKie for a **Preliminary and Final Plat** on Lots 1 and 2 of Five Star Subdivision and the 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 MAY 19, 2003)

60. No. 02PL126 - A request by Renner & Sperlich for Dean Kelly for a **Layout Plat** on Lots B thru E of Lot 6 of Miracle Pines Subdivision located in the NW1/4 Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot 6 of Miracle Pines Subdivision located in the NW1/4 Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3960 Corral Drive. (DENY WITHOUT PREJUDICE)
61. No. 03PL001 - A request by Dream Design International for a **Preliminary and Final Plat** on Lots A, B, and C, Canyon Lake Heights Subdivision, located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3, Block 15, of Canyon Lake Heights Subdivision located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Cliff Drive and Miracle Place. (CONTINUE TO APRIL 21, 2003)
62. No. 03PL002 - A request by Centerline, Inc. for Larry Lewis and Kenneth Kirkeby for a **Preliminary and Final Plat** on Parcel A of Tract SB of Springbrook Acres Addition, Tract SB Revised of Springbrook Acres Addition, and Lot 19R3 of Fairway Hill PRD located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 19R2 of Fairway Hills Planned Residential Development and all of Tract SB of Springbrook Acres located in the SW1/4 NE1/4, NW1/4 SE1/4 and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Fairway Hills and Sandstone Ridge Subdivision. (CONTINUE TO APRIL 21, 2003)
63. No. 03PL004 - A request by FMG, Inc. for Williston Basin Interstate Pipeline Co. for a **Preliminary and Final Plat** on the dedicated public right-of-way shown as Disk Drive formerly a portion of Parcel No. 5 located in the NE1/4 of NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Parcel No. 5 located in the NE1/4 of the 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 MAY 5, 2003)
64. No. 03PL011 – Approve the request by Renner & Sperlich Engineering for Pat Wyss for a **Layout, Preliminary and Final Plat** located at 1434 and 1444 Pevans Parkway.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 12R-2 and Lot 13R-2, and Utility Maintenance Easement of Lots 11 and 12R-2, all in Block 3, Skyline Pines Subdivision (formerly a portion of Lot 11, and Lots 12R & 13R of Block 3 of Skyline Pines Subdivision) located in the SW1/4, 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 Lot 12R-2 and Lot 13R-2, and Utility Maintenance Easement of Lots 11 and 12R-2, all in Block 3, Skyline Pines Subdivision (formerly a portion of Lot 11, and Lots 12R & 13R of Block 3 of Skyline Pines Subdivision) located in the SW1/4, Section 11, 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 7th day of April, 2003.

ATTEST: s/ James F. Preston Finance Officer (SEAL)	CITY OF RAPID CITY s/ Jerry Munson, Mayor
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- 65. No. 03PL016 - A request by Fisk Land Surveying & Consulting Engineering for Allen Nelson for a **Preliminary and Final Plat** on Lots 3R, 25R, and 27 of Forest Park Estates all in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and Lot 25 of Forest Park Estates Subdivision and the north 200 feet of the south 940 feet of the west 450 feet of Tract A, all in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4231 Starlite Drive. (CONTINUE TO APRIL 21, 2003)

- 66. No. 03PL022 - A request by Steve and Diana Ringler for a **Layout Plat** on Lot A and Lot B of Lot 2 of Block 1, Clarkson Subdivision, located in the NE1/4 of the NE1/4 of Section 31, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Block 1, Clarkson Subdivision, located in the NE1/4 of the NE1/4 Section 31, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 7989 Clarkson Road. (APRPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show a drainfield easement for the existing and proposed drainfield and a reserve drainfield easement for the future location of a replacement drainfield on each lot; 2) Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be submitted for review and approval. In addition, the plat document shall be revised to show the location of the on-site well. If the well is to be used as a community water source for the two proposed lots, then a well agreement shall be submitted for review and approval and the applicant shall demonstrate that the well provides adequate domestic water flows; 3) Upon submittal of a Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb, gutter, street light conduit, sidewalk and pavement improvements for all adjacent roadways; 4) Upon submittal of a Preliminary Plat, a complete drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed; 5) Upon submittal of a Preliminary Plat, road construction plans for Sheridan Lake Road shall be submitted for review and approval. In particular, an additional 17 feet of right-of-way shall be dedicated for that portion of Sheridan Lake Road that abuts the subject

property. In addition, the road shall be constructed as a principal arterial street with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 6) Upon submittal of a Preliminary Plat, road construction plans for Clarkson Road shall be submitted for review and approval. In particular, an additional five feet of right-of-way shall be dedicated for that portion of Clarkson Road that abuts the subject property. In addition, the road shall be constructed as a collector street with a 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 7) Upon submittal of a Preliminary Plat, the plat document shall be revised to show a non-access easement along Sheridan Lake Road. In addition, a non-access easement shall be shown along Clarkson Road except for approved approach location(s); 8) Upon submittal of a Preliminary Plat, the applicant shall demonstrate that the two existing approaches to proposed Lot B of Lot 2 have been approved or one of the approaches shall be closed. The applicant also has the option of reconfiguring the plat document to allow the northern most approach to serve as a shared approach to the two proposed lots; 9) Prior to Final Plat approval by the City Council, the plat document shall be revised to read "formerly Lot 2 of Block 1, Clarkson Subdivision"; 10) Prior to Final Plat approval, the note on the plat stating "minimum lot setbacks: 25 feet front and rear, eight feet sides" shall be removed; 11) Prior to Final Plat approval, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; 12) Prior to Final Plat approval by the City Council, the plat document shall be revised to show a 10 foot wide planting screen easement along the north lot line of proposed Lot A of Lot 2. The planting screen easement shall be shown on the plat so as not to interfere with any lot line utility and/or drainage easements. 13) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 14) Prior to Final Plat approval by the City Council surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

67. No. 03PL023 - A request by Kent Snow for a **Preliminary and Final Plat** on Lots 37R, 38R and 39R, Enchanted Hills No. 4 Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 37, 38 and 39, Enchanted Hills No. 4, located in the S1/2 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 639 Enchantment Road. (CONTINUE TO APRIL 21, 2003)
68. No. 03PL024 - A request by Nathan A. Barton of Wasteline, Inc. for Pine Lawn Memorial Park, Inc. for a **Layout, Preliminary and Final Plat** on Lot 1 of Lot B and Lot B-R, Lot B SW414-1-7, all located in the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of "Lots A & B, Section 14, T1N, R7E", less Lot H1-E2SW414-1-7 and less Lot H1-Lot B SW414-1-7, all located in the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4480 South Highway 16. (DENY WITHOUT PREJUDICE)
69. No. 03PL025 - A request by Sean Casey for a **Preliminary and Final Plat** on Lot 29 Revised of Woodridge Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 29, 30 and 31, Woodridge Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1183 Woodridge Drive. (CONTINUE TO APRIL 21, 2003)

END OF PLANNING CONSENT CALENDAR

The next item discussed by the Council was No. 02PL115, a request by Ferber Engineering Company for a **Preliminary and Final Plat** located northeast of the intersection of Ireland Place and Dublin Court. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 7R and 8R of the Flannery Subdivision No. 2, formerly Lots 7, 8 and 9 of the Flannery Subdivision No. 2, located in the NW1/4 of the N/E1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Lot 7R and 8R of the Flannery Subdivision No. 2, formerly Lots 7, 8 and 9 of the Flannery Subdivision No. 2, located in the NW1/4 of the N/E1/4 of Section 21, 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 7th day of April, 2003.

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 Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon said Resolution was declared duly passed and adopted.

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 Hanks and carried to continue this item until April 21, 2003.

The Mayor presented No. 02PL070, a request by Dream Design International, Inc. for a **Final Plat** located along the future extension of Field View Drive west of the Dakota Ridge Subdivision. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of The Meadows Subdivision, Lot 2, Block 7; Lots 8 through 16, Block 8; Lots 1 through 7, Block 9; and Lot 1, Block 10, formerly part of Tract A of Parcel C of MJK

Subdivision, located in the SE1/4 of the SW1/4, Section 18, T1N, R8E, BHM, City of 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 The Meadows Subdivision, Lot 2, Block 7; Lots 8 through 16, Block 8; Lots 1 through 7, Block 9; and Lot 1, Block 10, formerly part of Tract A of Parcel C of MJK Subdivision, located in the SE1/4 of the SW1/4, Section 18, T1N, R8E, BHM, City of 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 7th day of April, 2003.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

Planning Department – Hearings

The Mayor presented No. 03AN003, a request by the City of Rapid City for a **Resolution of Intent to Annex** property located south of SD Highway 44, west of Jolly Lane Drive and east of SD Highway 79. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION DECLARING INTENT TO EXTEND THE BOUNDARIES OF THE CITY OF RAPID CITY BY ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS, the City Council of the City of Rapid City has conducted a study pursuant to SDCL 9-4-4.1 to determine the need for annexing the within described territory contiguous to the City of Rapid City and to determine and identify the territory, which study includes a document entitled "Annexation Study Southeast Connector Annexation Area," filed in the office of the City Finance Officer; and,

WHEREAS said study recommends that certain territory described therein, and legally described in this resolution, be annexed to and included within the boundaries of the City of Rapid City,

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the City of Rapid City hereby declares its intent to annex the following described territory:

Balance of Tract A in the E1/2SW1/4 and the W1/2SE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; and

Lot 2 of Tract A of NE1/4SW1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; and,

Lot H1 in Tract A in the E1/2SW1/4 and in the W1/2SE1/4 Section 9, T1N, R8E, BHM, Pennington County, South Dakota; and,

Lot H1 in Lot 1 of the Well Addition in the SW1/4 Section 9, T1N, R8E, BHM, Pennington County, South Dakota; and,

Lot H1 in the N1/2SE1/4NW1/4 Section 9, T1N, R8E, BHM, Pennington County, South Dakota; and,

Lot H2 in the N1/2SW1/4NE1/4 lying south and west of SD Highway 44 and the railroad right-of-way, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; and,

Lot H5 in the NE1/4NW1/4 lying south and west of SD Highway 44, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; and,

Lot H2 in the NW1/4NE1/4 lying south and west of SD Highway 44 and the railroad right-of-way, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; and,

The 100 foot railroad right-of-way of the South Dakota Department of Transportation acting through the Office of Railroads, lying adjacent and north of Lot H2 in the NW1/4NE1/4 and Lot H5 in the NE1/4NW1/4 and Lot H2 in the N1/2SW1/4NE1/4, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; and,

Lot H1 amending the original plat of Lot H1 recorded in Book 9 Hwy of Plats – Page 54 – dated January 5, 1998, in the N1/2NW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota; and,

Lot H1 amending the original plat of Lot H1 as recorded in Book 9 Hwy of Plats – Page 52 – dated January 5, 1998 in the S1/2NW1/4 of Section 16, T1N, R8E, BHM, excepting therefrom the following described land: the west 210 feet of the north 600 feet of the NE1/4SE1/4NW1/4 and the east 190 feet of the north 600 feet of the NW1/4SE1/4NW1/4 of said Section 16; the balance of the S1/2NE1/4SE1/4NW1/4 of said Section 16; and the SW1/4SW1/4SW1/4NW1/4 of said Section 16, all of Pennington County, South Dakota; and,

Lot H1 in the NE1/4SE1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota.

BE IT FURTHER RESOLVED that the City Council of the City of Rapid City finds as follows:

1. That the territory to be annexed generally consists of 133.4682 acres and includes platted lands in Sections 9, 16, and 17 of Township One (1) North, Range Eight (8) East, Black Hills Meridian, Pennington County, South Dakota. This area is more generally described as lying south of SD Highway 44 East, east of SD Highway 79, and west of Jolly Lane Road.
2. That ample and suitable resources exist to accommodate the orderly growth and development of said territory and that municipal utilities and a major street network are, and have been, considered in terms of the proposed boundary extension.
3. That the following is the timetable upon which municipal service will be extended into said territory:

TIMETABLE

- A. GENERAL SERVICES. All services provided by the City, except as set forth below, will be provided to the annexed area on the same basis such services are provided to the rest of the City upon annexation.
- B. POLICE. All services provided by the Rapid City Police Department will be extended to the annexed area upon annexation on the same basis such services are provided to the rest of the City.
- C. FIRE. All services provided by the Rapid City Fire Department will be extended to the annexed area upon annexation on the same basis such services are provided to the rest of the City.
- D. WATER SERVICE. Water service, substantially equivalent in standard and scope to such service provided to the rest of the City, will be made available to the annexed area upon annexation, on the following basis:
1. Acceptance of additions. The City will accept into its system for operation and maintenance additional water service facilities constructed in accordance with City standards. Additions may be constructed by developers as future development takes place, by private parties constructing such additions after notice to the City and in compliance with City standards, or by the City under a resolution of necessity therefor.
 2. Construction of additions by the City. The City shall, within thirty (30) days after receipt by the Finance Officer of a written request therefor signed by one or more owners of land located in the annexed area, undertake all such proceedings authorized by SDCL 9-47 as may be necessary and appropriate to permit:
 - (a) the construction of such water lines as may be necessary and appropriate to serve such land; and
 - (b) the assessment of the costs thereof as provided by law.

Such actions shall be undertaken in good faith and with all due dispatch; the City shall conduct all proceedings necessary for the adoption of a resolution of necessity within six (6) months from the date of receipt of written request; such improvements shall be constructed within two (2) years after the effective date of the resolution of necessity unless delayed by legal challenge. The written request need be in no particular form but need merely convey in good faith the nature of the request, the description of the land to be served, and the name of the person making the request.

Nothing in the foregoing shall be construed as obligating the City to construct any water service facilities at City expense; however, the City in its sole discretion may choose to participate in the cost of constructing all or any part of such facilities.

Nothing in the foregoing shall be construed as obligating the City to accept for operation or maintenance any water line extending from individual properties to the City system. Such individual service lines shall, as elsewhere in the City, be the responsibility of the owner of such individual property.

E. SEWER SERVICE. Sewer service, substantially equivalent in standard and scope to such service provided to the rest of the City, will be made available to the annexed area upon annexation on the following basis:

- (1) Acceptance of Additions. The City will accept into its system for operation and maintenance such additional sewer lines constructed in accordance with City standards. Such additions may be constructed by developers as further development takes place, by private parties constructing such additions after notice to the City and in compliance with City standards, or by the City under a resolution of necessity therefor.
- (2) Construction of additions by the City. The City shall, within thirty (30) days after receipt by the Finance Officer of a written request therefor signed by one or more owners of land located in the annexed area, undertake all such proceedings authorized by SDCL 9-48 as may be necessary and appropriate to permit:
 - (a) the construction of such sewer lines as may be necessary and appropriate to serve such land; and
 - (b) the assessment of the costs therefor as provided by law.

Such actions shall be undertaken in good faith and with all due dispatch; the City shall conduct all proceedings necessary for the adoption of a resolution of necessity within six (6) months from the date of receipt of written request; such improvements shall be constructed within two (2) years after the effective date of the resolution of necessity unless delayed by legal challenge. The written request need be in no particular form but need merely convey in good faith the nature of the request, the description of the land to be served, and the name of the person making the request.

Nothing in the foregoing shall be construed as obligating the City to construct any sewer service facilities at City expense; however, the City in its sole discretion may choose to participate in the cost of constructing all or any part of such facilities.

Nothing in the foregoing shall be construed as obligating the City to accept for operation or maintenance any sewer line extending from individual properties to the City system. Such individual service lines shall, as elsewhere in the City, be the responsibility of the owner of such individual property.

F. STREETS. Street maintenance, sweeping, snow removal and roadside mowing shall be provided for existing public streets within the annexed area on the same basis as such services are provided to the rest of the City upon annexation.

Traffic signs, controls, and markings in the annexed area will be maintained upon annexation. Additional traffic control will be provided as needed and on the same basis as provided to the rest of the City from the time of annexation.

Street lighting presently existing in the annexed area and which becomes the responsibility of the City will be continued upon annexation. Additional street lighting in accordance with criteria generally employed through the City and with due consideration for the wishes of the residents will be provided within ninety (90) days after the streets to be lighted are paved; no lighting is expected to be provided on unpaved streets.

The City will accept for operation and maintenance as additions to the City street system such public streets constructed hereafter as are constructed to City standard and dedicated to the public, and accepted by the City.

- G. **SOLID WASTE COLLECTION AND DISPOSAL.** Within sixty (60) days after annexation the City will determine by ordinance whether the annexation area or any portion thereof is to be included within the Garbage Service District. In any area included within the Garbage Service District solid waste collection and disposal will be provided on the same basis and at the rates provided by ordinance. (Solid waste collection services provided by the City are limited to residential structures.)

In any event, within sixty (60) days after receipt by the City Finance Officer of a written request for such service signed by more than 50% of the residents of the annexation area, solid waste collection and disposal service will be provided to the annexation area on the same basis as such services are provided to the Garbage Service District. Such written request need be in no particular form but need only convey in good faith the request being made and the name of the persons making the request. Nothing shall preclude the City from accepting petitions from less than the entire area or serving only a portion of the annexation area.

Use of the City Landfill will be available to residents of the annexed area upon annexation on the same basis such use is made available to the rest of the City.

- H. **PARKS AND RECREATION.** All services provided by the Parks and Recreation Department shall be made available to the residents of the annexed territory on the same basis such services are provided to the rest of the City upon annexation.
- I. **LIBRARY.** All services provided by the Rapid City Public Library shall be made available to the residents of the annexed territory on the same basis such services are provided to the rest of the City upon annexation.

4. That the approximate costs of the extended service to the residents of the said territory and to the City are as follows:

APPROXIMATE COSTS

- A. **GENERAL SERVICES.** All services as set forth in Paragraph A of the Timetable may be provided to the annexed area without discernible additional cost to the residents of the annexed area or to the City of Rapid City; provided, however, that the use of services requiring the payment of fees shall be provided in return for payment of such fees in accordance with the applicable ordinances and regulations.
- B. **POLICE.** All services provided by the Rapid City Police Department will be extended to the annexed area. The costs to the City would be negligible.
- C. **FIRE.** All fire suppression services are now provided by the Rapid Valley Fire Protection District through the Rapid Valley Volunteer Fire Department. Upon annexation the Rapid City Fire Department will provide emergency services (including fire suppression, medical/rescue services, and hazardous material handling) and non-emergency services (including fire inspection/investigation and public education). The cost to the City will be negligible.

The City is obligated to pay the Rapid Valley Fire Protection District for any debts that have been incurred. It is estimated that the Rapid Valley Fire District has a debt of

approximately \$164,566. A proportionate share of this debt will have to be paid to the Rapid Valley Fire District upon annexation of the study area.

- D. WATER. The City's water system is operated on an enterprise fund basis, i.e., the revenue produced from water service charges are used to provide water supply and to maintain the system. The cost, not including costs to be assessed as set forth below, to the residents of the annexed area and other water users for water supply and system maintenance would be the monthly water service charges prescribed by ordinance for users of the system. The cost to the City for any given period is necessarily speculative but in the long run would be roughly equivalent to the revenue generated from water service charges. Revenues and expenditures associated with the annexed area would not be separated from the enterprise fund for the entire system.

Costs for constructing additions to the City's water system will be assessed according to law, if constructed by the City, or will be paid by the developer or other persons constructing such additions.

Connection charges to the existing water and sewer system will be pursuant to the adopted "Resolution of Necessity" for assessed projects or on the same basis as such services provided to the rest of the City. Every application for a connection permit shall pay an additional sum for capital development as stated in Ordinance #3736. See "Capital Development Fees" below.

The rate charged current users will be reduced to the City rate effective at first billing that occurs at least fifteen (15) days after annexation becomes effective.

Water Service Fees

New account charge for accounts within the city limits:\$7.50.

<u>Meter Size (Inches)</u>	<u>Current Monthly Charge</u>	<u>After July 2003</u>
5/8"	\$4.60	\$4.85
3/4"	\$6.55	\$6.90
1"	\$8.30	\$8.75
1.5"	\$15.10	\$15.90
2"	\$22.45	\$23.65
3"	\$29.95	\$31.45
4"	\$44.75	\$47.05
6"	\$75.60	\$79.45
8"	\$122.60	\$128.80

Monthly charge includes 200 cubic feet of water. There is an additional charge of \$0.89 per 100 cubic feet for amounts in excess of 200 cubic feet per month. In addition, a surcharge pursuant to S.D.C.L. Chapter 9-40 applies as follows:

1. For water use less than two hundred cubic feet in any billing cycle month: \$1.00.
2. For water used in excess of two hundred cubic feet in any billing cycle month: \$0.35 per one hundred cubic feet.

Annual State Environmental Tax Surcharge

<u>Meter Size (Inches)</u>	<u>Annual State Environmental Tax Surcharge</u>
5/8"	\$1.25
3/4"	\$1.40

1"	\$1.75
1.5"	\$2.25
2"	\$3.50
3"	\$13.75
4"	\$17.50
6"	\$26.25
8"	\$35.25

Tap Fees

1. For making each three-quarter-inch tap, the sum of forty dollars;
2. For making each one-inch tap, the sum of forty-five dollars;
3. For making each one and one-quarter-inch tap, the sum of thirty dollars;
4. For making each one and one-half-inch tap, the sum of thirty dollars;
5. For making each two-inch tap, the sum of thirty dollars;
6. For making taps in excess of two inches, but less than eight inches, the following fee shall be collected:
 - a. For making each tap, the sum of one hundred twenty-five dollars for labor and equipment;
7. For making taps of eight inches or greater, the following fee shall be collected:
 - a. For making each tap, the sum of one hundred fifty dollars for labor and equipment.

Capital Development Fees

- A. Residential Connection: A single family residence with a single water connection, including, but not limited to, condominiums and townhomes, shall pay a capital development fee of \$1,000.00.
- B. Multifamily Residential connections: Multifamily residential units shall be charged a capital development fee in the following amounts:
 - One (1) bedroom dwelling unit..... 0.7 SFRE (\$700)
 - Two (2) bedroom dwelling unit..... 0.8 SFRE (\$800)
 - Three (3) or more bedroom dwelling unit..... 1.0 SFRE (\$1000)
- C. Commercial and Industrial connections: Commercial and Industrial users shall pay a Capital Development Fee equal to \$750.00 per SFRE. The addition of a larger meter or additional meters at any time in the future will incur an additional capital development fee. The number of SFREs per user shall be determined based on the water meter size as follows:

<u>Meter Size</u>	<u>Commercial and Industrial SFRE</u>
<u>5/8"</u>	<u>1.0</u>
<u>3/4"</u>	<u>1.1</u>
<u>1"</u>	<u>1.4</u>
<u>1 1/2"</u>	<u>1.8</u>
<u>2"</u>	<u>2.9</u>
<u>3"</u>	<u>11.0</u>
<u>4"</u>	<u>14.0</u>
<u>6"</u>	<u>21.0</u>
<u>8"</u>	<u>29.0</u>

<u>Irrigation</u>	<u>0.0</u>
<u>Unmetered</u>	<u>0.0</u>

Users of Systems Other Than City Systems. If a user is connected to a system which is charged the wholesale rate, such user shall be charged a capital development fee equal to the fee charged to retail customers. Such fee shall be payable at the time the new user connects to the wholesale customer's system, or at the time of issuance of a building permit, whichever is earlier.

Users whose property is annexed to the City and are not currently connected to the City system shall pay the appropriate capital development fee as listed in this section. Such payment shall be paid prior to connection to the City system.

- E. SEWER. The City's sewer system is operated on an enterprise fund basis, i.e., the revenue produced from sewer service charges are used to collect and treat wastewater and sewage and to maintain the system. The cost, not including costs to be assessed as set forth below, to residents of the annexed area and other users for collection, transportation, treatment and system maintenance would be the monthly sewer service charges prescribed by ordinance for users of the system. The cost to the City for any given period is necessarily speculative but in the long run would be roughly equivalent to the revenue generated from sewer service charges. Revenues and expenditures associated with the annexed area would not be separated from the enterprise fund for the entire system.

All costs for constructing additions to the City's sewer system will be assessed according to law, if constructed by the City, repaid with hookup charges, or will be paid by the developer or other persons constructing such additions. Costs to the City do not include any estimated costs for acquisition of easements. Typically such easements are obtained for nominal consideration, particularly when the costs are to be assessed. To the extent the typical does not apply and the use of eminent domain is necessary, the resulting costs are highly speculative.

City costs also do not include the cost of constructing the private service lines from the City's system to individual properties. Construction of such lines and the subsequent maintenance thereof are the responsibility of the individual property owners. Tap fees and permit fees are prescribed by ordinance. Such charges are roughly equivalent to the City's cost and are paid by the user.

The rate charged will be the City rate effective at first billing that occurs at least fifteen (15) days after annexation becomes effective.

SEWER FEES

\$1.34 per one hundred cubic feet; monthly minimum of \$4.00 per equivalent single family user.

Residential Users. The wastewater flow from residential connections shall be determined each year from the metered water use for three winter months using the water meter readings taken in January, February and March. The average monthly winter use measured in hundreds of cubic feet, shall be multiplied by the applicable rate and the product will determine the monthly sewer use charge for the twelve-month period commencing April 1st for each year. New residential users or intermittent users shall pay a sewer use charge based on the average single-family residential water use of seven hundred cubic feet per month per dwelling unit served and this volume shall be used until the end of the next averaging period (December, January and February).

For any of the three averaging months in which the meter is not actually read, the amount of seven hundred cubic feet times the number of dwelling units shall be inserted for that month to determine the average for the three months.

Commercial and Institutional Users Discharging Domestic Wastewater. The sewer use charge for commercial and institutional connections discharging wastewaters similar in physical, biological and chemical quality to domestic wastewater shall be determined by multiplying the monthly wastewater volume in one hundred cubic feet by the rate established by subsection A of this section per one hundred cubic feet. The wastewater volume shall be determined from the monthly metered water unless special allowances are made or the wastewater is metered as provided herein.

Industrial Users. The sewer charge for industrial connections shall be determined by multiplying the monthly wastewater volume measured in one hundred cubic feet, by the rate established by subsection A of this section per one hundred cubic feet whenever the BOD concentration is less than two hundred sixty mg/l and the suspended solids concentration is less than three hundred mg/l based on the average of flow proportioned, composite samples, collected at the times, frequencies and in the manner designated by the director. Whenever the BOD concentration exceeds two hundred sixty mg/l or the suspended solids concentration exceeds three hundred mg/l, based on the sampling and testing program specified by the director, a surcharge will be assessed at the following rates on the portion of wastes in excess of two hundred sixty ppm BOD or three hundred ppm TSS: eleven cents per pound of BOD and seven cents per pound of TSS.

Any industrial user receiving metered water for uses resulting in portions of the water not going to the wastewater facilities may have its sewer use charge adjusted by showing, at the owners expense, what percentage of the metered water is not discharged to the wastewater facilities. The maximum allowance for irrigation shall be an application rate of twenty-four inches per year per square foot of area being irrigated.

Any industrial user may choose to measure the actual wastewater flow in lieu of basing the wastewater use charges on the metered water. In such cases, the conditions set forth herein shall apply. If an industrial user has completed in-plant modifications which would change the users wastewater characteristics or flows, the user can request that the Director adjust the industrial users surcharge rate. The Director's decision can be appealed to the City Council in a manner designated in Section 13.08.420 of the Rapid City Municipal Code.

A surcharge pursuant to S.D.C.L. Chapter 9-40 of \$0.14 per one hundred cubic feet of wastewater discharge is charged.

An annual environmental tax surcharge applies as follows:

<u>Meter Size (Inches)</u>	<u>Annual State Environmental Tax Surcharge</u>
	5/8" \$1.25
	3/4" \$1.40
	1" \$1.75
	1.5" \$2.25
	2" \$3.50
	3" \$13.75
	4" \$17.50
	6" \$26.25
	8" \$35.25

- F. **STREETS.** Paved streets are repaired as necessary. Asphalt streets are repaired only as required when pot holes, alligating or like problems make repairs necessary.

Streets developed as public streets within the subject territory will receive repair, sweeping, snow removal, traffic controls, street lighting and road side mowing on the same basis as the rest of the City. Costs will be dependent on the future street system.

- G. **SOLID WASTE COLLECTION AND DISPOSAL.** The City's sanitation system is operated on an enterprise fund basis. The sanitation system serves only residential occupancies. Some areas of the City presently are not included in the Garbage Service District at the request of the residents of those areas. If the annexed area is included within the Garbage Service District the cost to the residents would be the garbage service charges prescribed by Ordinance #3796. The current rates are: \$11.09 per month per household for a 30 gallon container, \$12.59 per month per household for a 60 gallon container, and \$14.09 per month per household for a 90 gallon container.

The rates for garbage collection and disposal service are designed to be roughly equivalent to the long-run cost to the City of providing such service. No short-run capital expense as a result of service to the annexed area is anticipated.

The cost of providing use of the City's landfill to users outside the Garbage Service District is roughly equivalent to the fees charged therefor. Residential users employing the services of a collector licensed by the City are entitled to use of the Landfill without additional charge.

- H. **PARKS AND RECREATION.** All services provided by the Parks and Recreation Department will be provided to the residents of the annexed area with no discernible additional cost to the City or the residents of the annexed area.

- I. **LIBRARY.** All services provided by the Rapid City Public Library will be provided to the residents of the annexed area with no discernible additional cost to the City or the residents of the annexed area.

- J. The foregoing notwithstanding, the residents of the annexed area will be subject to all of the various fees and charges provided by ordinance, regulations, or administrative action for numerous services provided by the City. The incidence of such charges is highly speculative and largely within the choice of the person to be charged. Examples of such charges range from building permit fees to library book fines, from xerox copy charges to charges for swimming pool passes.

- K. All of the cost estimates set forth herein are based on 2002 costs.

5. Estimated difference in tax assessment rate:

A. *Owner occupied property:*

That the estimated difference in the 2002 tax assessment rate applied to an owner occupied property within the Rapid Valley Fire District upon annexation would be the addition of the City of Rapid City levy of 3.3041 mills and elimination of the combined Fire Administration, Library and Unorganized Road levy of 1.7085 mills and the Rapid Valley Fire levy of 0.5325 mills. The total levy for owner occupied property in the Rapid Valley Fire District would therefore increase by 1.0631 mills, an estimated 5.69%.

B. Non-agricultural property:

That the estimated difference in the 2002 tax assessment rate applied to a non-agricultural property within the Rapid Valley Fire District upon annexation would be the addition of the City of Rapid City levy of 3.3041 mills and elimination of the combined Fire Administration, Library, and Unorganized Road levy of 1.7085 mills and the Rapid Valley Fire levy of 0.5325 mills. The total levy for non-agricultural property in the Rapid Valley Fire District would therefore increase by 1.0631 mills, an estimated 4.15%.

C. Agricultural property:

That the estimated difference in the 2002 tax assessment rate applied to an agricultural property within the Rapid Valley Fire District upon annexation would be the addition of the City of Rapid City levy of .826 mills and elimination of the combined Fire Administration, Library, and Unorganized Road levy of 1.7085 mills and the Rapid Valley Fire levy of 0.5325 mills. The total levy for agricultural property in the Rapid Valley Fire District would therefore decrease by 1.415 mills, an estimated -8.63%.

D. Non Agriculture Z property:

That the estimated difference in the 2002 tax assessment rate applied to a non-agricultural Z property within the Rapid Valley Fire District upon annexation would be the addition of the City of Rapid City levy of 3.3041 mills and elimination of the combined Fire Administration, Library, and Unorganized Road levy of 1.7085 mills and the Rapid Valley Fire levy of 0.5325 mills. The total levy for non-agricultural Z property in the Rapid Valley Fire District would therefore increase by 1.0631 mills, an estimated 6.11%.

- 6. That exclusions or irregularities in boundary lines are not the result of arbitrariness but are based upon existing city limit lines, existing features, existing property boundaries, and existing occupancies and uses.
- 7. That there is reasonable present and demonstrable future need for annexing said territory.
- 8. That population and census data indicate that the City has and may experience growth or development beyond its present boundaries.
- 9. That there exists a commonality between the within described territory and the existing City of Rapid City.
- 10. That there are no significant physical barriers between the within described territory and the existing City of Rapid City.
- 11. That annexation of the within described territory to the City of Rapid City will result in a more compact, integrated City.

DATED this 7th day of April 2003.

ATTEST:
s/ James F. Preston
Finance Officer

THE CITY OF RAPID CITY
s/ Jerry Munson, Mayor

(SEAL)

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

The Mayor presented No. 03CA003, a request by Wyss Associates, Inc. for Dr. Andrew Severson for an **Amendment to the Major Street Plan**, an element of the Comprehensive Plan, by reclassifying Park Drive from a minor arterial street to a collector street, located within Sections 9 and 16, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, located in southwest Rapid City. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item to May 5, 2003.

The Mayor presented No. 03CA004, a request by the City of Rapid City for an **Amendment to the Comprehensive Plan to change the future land use designation on an 11.9873 acre parcel of land from Residential to General Commercial** on Lot O Revised of Tract A and Lot U Revised of Tract A, all of Schlottman Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and Lots P, Q, R, T, V, W, X, Y, Z and Lots 1 and 2 of Lot S, all of Tract A, Schlottman Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the south 33 foot of the E. St. Andrew Street right-of-way lying north of Lot O Revised and Lots P, Q, R, T and Lots 1 and 2 of Lot S, all of Tract A of Schlottman Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of E. St. Patrick Street and south of SD Highway 44. Motion was made by Rodriguez, seconded by Kroeger and carried to continue this item until April 21, 2003.

The Mayor presented No. 03CA005, a request by the City of Rapid City for an **Amendment to the Comprehensive Plan to change the future land use designation on a 24.4962 acre parcel of land from Residential to Light Industrial** on Tract B of the E1/2 SE1/4 and Tract C of the SE1/4 SE1/4, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and Lots A, C and D of Tract A of the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots E, F, G, H, I, J, K, L, M and N of Tract A of Schlottman Addition of the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 50 foot E. St. Charles Street right-of-way lying north of Lots A, C and D of Tract A of the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 50 foot E. St. Charles Street right-of-way lying north of Lots E, F, G and H, all of Tract A in Schlottman Addition of SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the north 33 foot of the E. St. Andrew Street right-of-way lying south of Lots I, J, K, L, M and N, all of Tract A of Schlottman Addition, located in the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of E. St. Patrick Street and south of SD Highway 44. Motion was made by Rodriguez, seconded by Kroeger and carried to continue this item until April 21, 2003.

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 April 21, 2003.

The Mayor presented No. 02SV049, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalks and water on Elk Vale Road** on a portion of the SW1/4 NW1/4 and the S1/2 of Government Lot 4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Vale Road. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until April 21, 2003.

The Mayor presented No. 03SV001, a request by Dream Design International for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalks and water along Cliff Drive and Miracle Place as per Chapter 16.16 of the Subdivision Regulations** on Lots A, B, and C, Canyon Lake Heights Subdivision, located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3, Block 15, of Canyon Lake Heights Subdivision located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Cliff Drive and Miracle Place. Motion was made by Rodriguez, seconded by Kroeger and carried to continue this item until April 21, 2003.

The Mayor presented No. 03SV005, a request by Centerline for Larry Lewis and Kenneth Kirkeby for a **Variance to the Subdivision Regulations to waive all street improvements as per Chapter 16.16 of the Subdivision Regulations** on Parcel A of Tract SB of Springbrook Acres Addition, Tract SB Revised of Springbrook Acres Addition, and Lot 19R3 of Fairway Hill PRD located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of Tract SB of Springbrook Acres Addition and all of Lot 19R2 of Fairway Hills PRD located in the SW1/4 NE1/4, NW1/4 SE1/4 and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Fairway Hills and Sandstone Ridge Subdivision. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item until April 21, 2003.

The Mayor presented No. 03SV007, a request by Fisk Land Surveying & Consulting Engineering for Allen Nelson for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Starlite Drive and an access easement and to allow sidewalk on one side of Forest Park Circle as per Chapter 16.12 of the Subdivision Regulations** on Lots 3R, 25R, and 27 of Forest Park Estates all in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and Lot 25 of Forest Park Estates Subdivision and the north 200 feet of the south 940 feet of the west 450 feet of Tract A, all in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4231 Starlite Drive. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until April 21, 2003.

The Mayor presented No. 03SV010, a request by Nathan A. Barton of Wasteline, Inc. for Pine Lawn Memorial Park, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, dry sewer, water and to improve paving as per Chapter 16.16 of the Subdivision Regulations** on Lot 1 of Lot B and Lot B-R, Lot B SW414-1-7, all located in the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of "Lots A & B, Section 14, T1N, R7E", less Lot H1-E2SW414-1-7 and less Lot H1-Lot B SW414-1-7, all located in the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4480 South Highway 16. Motion was made by Rodriguez, seconded by Murphy and carried to deny this item without prejudice.

The Mayor presented No. 03SV011, a request by Sean Casey for a **Variance to the Subdivision Regulations to waive the requirement for sidewalks along Woodridge**

Drive and Pine Knoll Place on Lot 29 Revised of Woodridge Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 29, 30 and 31 of Woodridge Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1183 Woodridge Drive. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until April 21, 2003.

Ordinances & Resolutions

Ordinance 3909, entitled An Ordinance Adopting the 1997 Uniform Fire Code with Amendments (No. LF040203-12), was introduced. Upon motion made by Hadley, seconded by Johnson and carried, Ordinance 3909 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, April 21, 2003.

The next item discussed by the Council was **Ordinance 3920** (No. 02OA018) entitled An Ordinance to Establish a Procedure for the Municipal Planning Commission to Make Recommendations for the Amendment of the Comprehensive Plan for Development in the City of Rapid City by Amending Section 2.60.160 of the Rapid City Municipal Code. Motion was made by Kooiker, seconded by Johnson and carried to continue second reading of this ordinance until April 21, 2003.

The Mayor presented No. 03RZ007, second reading of **Ordinance 3922**, a request by the City of Rapid City for a **Rezoning from No Use District to General Commercial District** on the south 33 foot of the E. St. Andrew Street right-of-way lying north of Lot O Revised and Lots P, Q, R and T and Lots 1 and 2 of Lot S, all of Tract A of Schlottman Addition, all located in the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of E. St. Patrick Street and south of SD Highway 44. Motion was made by Hadley, seconded by Dreyer and carried to continue this hearing until April 21, 2003.

The Mayor presented No. 03RZ008, second reading of **Ordinance 3923**, a request by the City of Rapid City for a **Rezoning from No Use District to Light Industrial District** on the north 33 foot of the E. St. Andrew Street right-of-way lying south of Lots I, J, K, L, M and N, all of Tract A of Schlottman Addition, located in the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the 50 foot E. St. Charles Street right-of-way lying north of Lots A, C and D of Tract A of the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 50 foot E. St. Charles Street right-of-way lying north of Lots E, F, G and H, all of Tract A in Schlottman Addition of SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of E. St. Patrick Street and south of SD Highway 44. Motion was made by Hadley, seconded by Johnson and carried to continue this hearing until April 21, 2003.

Ordinance 3925, entitled An Ordinance Modifying the Regulation of Security Guards by Amending Sections 5.52.090, 5.52.100, 5.52.110, 5.52.130, 5.52.170, and 5.52.180 of Chapter 5.52 of Title 5 of the Rapid City Municipal Code (No. LF040203-14), was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3925 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, April 21, 2003.

Ordinance 3927 (No. 03RZ010), a request by Centerline for Lazy P-6 Land Company, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on the south 662.71 feet of Government Lot 2 of the SW1/4 of the NW1/4 less Highway 16B right-of-way of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the northeast quadrant of the future intersection of 5th Street and Catron Boulevard, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3927 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, April 21, 2003.

Ordinance 3928 (No. 03RZ011) a request by Centerline for Lazy P-6 Land Company, Inc. for a **Rezoning from General Agriculture District to Office Commercial District** on the north 662.71 feet of Government Lot 2 of the SW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the northeast quadrant of the future intersection of 5th Street and Catron Boulevard, was introduced. Upon motion made by Hadley, seconded by Hanks and carried, Ordinance 3928 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, April 21, 2003.

Ordinance 3929 (No. 03RZ012) a request by Centerline for Lazy P-6 Land Company, Inc. for a **Rezoning from General Agriculture District to Medium Density Residential District** on the south 662.71 feet of Government Lot 1 of the NW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the northeast quadrant of the future intersection of 5th Street and Catron Boulevard, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3929 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, April 21, 2003.

Ordinance 3930 (No. 03RZ013) a request by Centerline for Lazy P-6 Land Company, Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential II District** on the north 662.71 feet of Government Lot 1 of the NW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northeast quadrant of the future intersection of 5th Street and Catron Boulevard, was introduced. Upon motion made by Hadley, seconded by Hanks and carried, Ordinance 3930 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, April 21, 2003.

Ordinance 3931 (No. 03RZ014) a request by Dream Design International, Inc. for Delores Catron for a **Rezoning from Medium Density Residential District to Office Commercial District** on Parcel A, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2700 Jackson Boulevard, was introduced. Upon motion made by Hadley, seconded by Hanks and carried, Ordinance 3931 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, April 21, 2003.

Ordinance 3932 (No. 03RZ015) a request by DLK Engineering for South Creek Village Limited Partnership for a **Rezoning from Medium Density Residential District to General Commercial District** on the following property, was introduced: A parcel of land described by metes and bounds as beginning at the SE Section Corner of Section 7, T1N, R8E, BHM; thence N89°32'15"W a distance of 639.26 feet more or less; thence N00°00'35"W a distance of 50 feet more or less to the True Point of Beginning; this point is the common corner of the Southeast corner of Lot 2 Fellowship Addition and the Southwest corner of the remaining balance of Lot 2 Superpumper Addition; thence N00°00'35"W a distance of 610.83 feet more or less; thence N89°29'15"W a distance of 22.78 feet more or less; thence N00°02'07"E a distance of 330.81 feet more or less; thence S°89°37'12"E a distance of 171.89 feet more or less; thence S00°01'35"W a distance of 942.35 feet more or less; thence N89°32'15"W a distance of 149.26 feet more or less to the True Point of Beginning, located northwest of the intersection of Cambell Street and Fairmont Boulevard. Upon motion made by Hadley, seconded by Hanks and carried, Ordinance 3932 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, April 21, 2003.

Legal & Finance Committee Items

Motion was made by Hadley and seconded by Waugh to approve No. LF040203-18 – Adult Oriented Business Regulation Implementation Plan. Tom Holway asked about the time frame for complying with the ordinance. City Attorney Altman explained that business owners will have thirty days to apply for any necessary permits and sixty days to make any construction related changes that are necessary. The time frame would begin once the election results are canvassed by the City Council. The canvass of the April 8th election is scheduled for April 10, 2003. Regarding building permits, Public Works Director Bjerke explained that the affected properties would have to submit the proper paper work, including drawings, and go through the normal process. They will be processed the same as all other building permits in the city. Upon vote being taken, the motion carried unanimously.

Motion was made by Hadley and seconded by Waugh to approve the request by J.R. Hamlet for payment of training and travel costs associated with **software for the golf course** in the amount of \$2,741.85. Finance Officer Preston stated that he does not feel it is appropriate to ask City taxpayers to pay for training received by someone prior to that individual being employed by the City. Also, it is not in line with an agreement between the City and Hamlet which was signed in March of 2001. Preston added that the City has never reimbursed any employee for training received prior to being employed by the City of Rapid City. Also, the City has never reimbursed a contractor for training received during a contract period, unless it was specified in the contract. Barry Winter, representing the Golf Advisory Board, explained that the Board supports payment of these costs. This software package was purchased approximately two years ago and was meant to last much longer. The City changed the procedure when they decided to hire a golf director. Waugh noted that typically these costs are included with the cost of the software. There was continued discussion on this item. Kriebel called the question and there were no objections. Roll call vote was taken: AYE: Rodriguez, Hanks, Dreyer, Kroeger, Waugh, Kriebel and Hadley; NO: Murphy, Johnson and Kooiker. Motion to approve the payment carried, 7-3.

Public Works Committee Items

Motion was made by Rodriguez and seconded by Hanks to approve No. PW040103-01 – Change Order No. 01F for LF02-1232, **Landfill Shop Building** to Lost Cabin Constructors, Inc. for an increase of \$1,181.07. Upon vote being taken, the motion carried with Kooiker voting no.

Motion was made by Rodriguez and seconded by Hanks to approve No. PW040103-07 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to a Professional Services Agreement with FMG, Inc. for SSW02-1106, **Construction Density Testing** of Omaha Street Utilities – 12th Street to East Boulevard Project for an amount not to exceed \$28,088.60. Kooiker stated that he is not opposed to this project. However, he is opposed to the manner in which consultant contracts are awarded and then amended. Upon vote being taken, the motion carried unanimously.

The next item before the Council was No. 03FV001, a request by Linda Swanson for a **Fence Height Exception** to allow a six foot privacy fence in the front yard setback on Lot 1-2 of Block 19, Schnasse Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 421 Racine Street. Motion was made by Rodriguez, seconded by Kroeger and carried to deny this item without prejudice.

Motion was made by Rodriguez and seconded by Kooiker to approve No. PW040103-12 – The policy relating to the City **Walk Through Inspection Program**, which is based on a voluntary program, and will require the property owner to sign a written document prior to the inspection. Johnson spoke against this program noting that it will put city employees in a bad position if something is missed. Planning Director Elkins stated that this is a real possibility.

Staff is relying on the City Council to support them when these issues arise. This program is an attempt to help the citizens of the community and this does open up the possibility for errors. Dreyer stated that he feels this program is asking for trouble for city employees. Murphy also spoke against the program noting that there are private companies that provide this service. Roll call vote was taken: AYE: Rodriguez, Hanks, Kroeger, Waugh, Kriebel, Kooiker and Hadley; NO: Murphy, Dreyer and Johnson. Motion carried, 7-3.

Motion was made by Rodriguez, seconded by Dreyer and carried to approve the request by the Public Works Director to extend the 2001 Alfalfa/Hay Harvest contract for the Morris and Tyler properties and the Waste Water Plant, with Steve Becher, for 2003, for the sum of \$8,551.

Bills

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

Payroll Paid Ending 03-22-03, Paid 03-28-03	614,791.94
Payroll Paid Ending 03-31-03, Paid 03-31-03	918,202.59
Payroll Paid Ending 03-28-03, Paid 03-28-03	948.48
Pioneer Bank, Taxes Paid 03-28-03	149,943.66
Pioneer Bank, Taxes Paid 03-31-03	234,984.41
Pioneer Bank, Taxes Paid 03-28-03	66.17
First Administrators, Claims Paid 03-19-03	110,282.14
First Administrators, Claims Paid 03-25-03	54,110.47
First Administrators, Claims Paid 040103	56,572.86
BH Power & Light, electricity	54,802.17
MDU, gas service	7,170.60
SD Department of Revenue, sales tax payable	13,973.41
SD Department of Revenue, sales tax payable – Civic Center	30,053.88
Wells Fargo Corporate Card, travel & supplies	320.70
US Postmaster, billing postage	2,200.00
Computer Bill List	2,190,587.01
Total	<u>\$4,439,010.49</u>

Payroll Paid Ending 03-22-03, Paid 03-28-03	2,487.60
Pioneer Bank, Taxes Paid 03-28-03	182.11
City of Rapid City, postage	9.04
City of Rapid City, computer supplies	56.38
Dakota Business Center, copier usage	2.76
Hyatt Regency Minneapolis, lodging	488.16
Marlin Leasing, copier lease	7.63
Philfleet, gasoline	143.69
SD School of Mines, telephone	51.88
Angelique Weeks, mileage	40.08
Total	<u>\$4,442,479.82</u>

<u>Treasurer's Checks</u>	
Lost Cabin Constructors	1,181.07
Total	<u>\$4,443,660.89</u>

Executive Session

Motion was made by Rodriguez, seconded by Waugh and carried to go into executive session to discuss pending litigation.

The Council came out of executive session at 11:20 P.M. with all members present.

Motion was made by Dreyer, seconded by Waugh and carried to direct the City Attorney to **dismiss the lawsuit** against Lot 9 Block 4, Big Sky Subdivision.

Motion as made by Waugh, seconded by Rodriguez and carried to direct the City Attorney to **dismiss the lawsuit** against Lot 6, Block 7, Big Sky Subdivision, due to payment of the capital development fee.

Motion was made by Johnson, seconded by Waugh and carried to reject the settlement proposal, as discussed in executive session.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:25 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)