

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
July 21, 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 West Community Center, 1003 Soo San Drive in Rapid City, South Dakota on Monday, July 21, 2003 at 7:00 P.M.

A quorum was determined with the following members answering the roll call: Mayor Jim Shaw and the following Alderpersons: Jean French, Alan Hanks, Sam Kooiker, Tom Murphy, Martha Rodriguez, Bill Waugh, Ray Hadley, Ron Kroeger, Rick Kriebel and Jeff Partridge. The following Alderman arrived during the course of the meeting: None; and the following were absent: None.

Staff members present included Finance Officer James Preston, Acting Public Works Director Ted Vore, Planning Director Marcia Elkins, Police Chief Craig Tieszen, Fire Chief Gary Shepherd, Engineering Division Manager Randy Nelson, Project Administrator Rod Johnson and Administrative Assistant Jeri Lynn.

(NOTE: For sake of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents are on file with the Master Agenda.)

Mayor Shaw explained that the City Council meeting is being held at the new West Community Center because of renovations being made in the Council Chambers at the City/School Administration Center. The renovation project will improve the lighting and video capabilities in the Chambers.

### ***Approval of Minutes***

Motion was made by Hanks, seconded by Murphy and carried to approve the minutes of July 7, 2003.

### ***Adoption of the Agenda***

Alderman Kooiker requested that "Sales Tax on Food" be added to the Agenda, and City Attorney Green requested that an Executive Session to discuss contractual matters be added to the agenda. Motion was made by Waugh, seconded by Rodriguez and carried to approve the agenda, as amended.

### ***General Public Comment***

Terry Hofer, legal counsel for Doreen and Dick Talley, requested that the Council consider including the Talley's property on Parkview Drive in the Tax Increment District proposed for the Fifth Street area. The reason for the request is that the Parkview Drive Extension Project will assess the Talley's approximately \$90,000 on 4.3 acres of land. The value of this property is in the range of \$270,000 - \$300,000. The assessment would be approximately one-third of their property value which the Talley's feel is unfair. They are trying to find creative alternatives to bring to the Council to lower the amount of the assessment. One of the options is to include the property in a tax increment district which would be used to pay for public improvements on the property. Planning Director Marcia Elkins explained that the proposed creation of this district is on the agenda for discussion later in this meeting and the Council is able to make changes in the boundaries of the TID. Engineering Division Manger explained that based on the bid that is proposed for award tonight, the proposed assessment to the Talley property would be approximately \$76,000. It was noted that further discussion on this item should be held at the time Agenda Item No. 97 is discussed.

Betty Dobberstein requested that the City Council consider providing a location for the young people in the community to do BMX bike riding and trick riding. Several ramps were brought up from Denver which could be refurbished and used for this use if an appropriate location can be found.

### ***Bid Openings***

The following companies submitted bids for No. CC072103-01 – **Parkview Drive Extension Project** ST03-1006 which were opened on July 17, 2003: 1) Simon Contractors of SD; 2) Quinn Construction; 3) Lind Exco, Inc.; 4) Hills Materials Company; 5) RCS Construction; and 6) Heavy Constructors. Staff has reviewed the bids and recommends award to RCS Construction in the amount of \$648,106.85. Motion was made by Hanks and seconded by Rodriguez to award the bid for ST03-1006 to RCS Construction, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$648,106.85. Substitute motion was made by Hadley, seconded by Kooiker and carried to continue this item until after Agenda Item No. 97 dealing with the Tax Increment District.

The following companies submitted bids for No. CC072103-01 – **North Seventh Street Emergency Water Line Reconstruction** Project W03-1327 which were opened on July 17, 2003: 1) RCS Construction; 2) Simon Contractors of South Dakota; 3) Mainline Contracting; 4) Quinn Construction. Staff has reviewed the bids and recommends award to RCS Construction. Motion was made by Partridge, seconded by Rodriguez and carried to award the bid for W03-1327 to RCS Construction, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$249,826.50.

### ***Bid Award***

The next item discussed by the Council was No. CC070703-01, bid award of Surplus Property-Eight **Used Refuse Trucks**. Preston explained that Erickson Truck and Kiefer Sanitation submitted bids for these trucks which were opened on June 25, 2003. Staff has reviewed the bids and recommends that Items 1, 2, 3, 5, 6 and 16 be sold to Kiefer Sanitation. Motion was made by Hanks and seconded by Rodriguez to approve the sale of surplus vehicles as outlined by staff. Hanks asked what the estimated sale price of these vehicles was. Jerry Wright from the Sanitation Division reported that when the original estimate for the automated trucks was done, staff estimated that the cost would be \$150,000 per truck for a total cost of \$1,200,000. At that time, we estimated the value of the surplus trucks was \$225,000, for a net amount to be financed for the automated system of \$975,000. Wright added that the market for these used trucks is soft at the current time because dealers are providing low interest financing so that companies are able to buy new trucks rather than used ones. Hadley and Kooiker spoke against selling these vehicles for the current bid prices. We should keep them to see if the market improves in the future. They also urged staff to clean the vehicles up before they are offered for sale again. There was discussion on which vehicles were included in the recommendation to be sold. Substitute motion was made by Kroeger, seconded by Hadley and carried to continue this item until after the bid award for the Parkview Drive Extension Project later in the meeting.

The next item discussed was No. PW071503-02 – One New Current Model Year **Landfill Trash Compactor** for the Solid Waste Operations Division. Finance Officer Preston noted that this item was continued from the July 7<sup>th</sup> Council meeting. Staff has reviewed the bids and recommends award to Sheehan Mack Sales and Equipment, based on their low unit price bid of \$411,410, less trade-in of \$40,000, plus \$24,940 for an additional two-year warranty, for a total contract amount of \$396,350. Motion was made by Partridge and seconded by Kooiker to deny. Partridge stated that the City's 1994 compactor has been refurbished and the 1998 model is being proposed for trade-in on a new machine. The 1998 can be refurbished and the city can maximize the life and original investment on the machine. Upon vote being taken, the motion carried with Murphy voting NO.

Motion was made by Hadley, seconded by Partridge and carried to reject all bids for a Landfill Trash Compactor for the Solid Waste Operations Division.

### ***Items from the Mayor***

Mayor Shaw reported that there would be no Veteran of the Month Award tonight.

Police Chief Craig Tieszen introduced Florian Pronold, member of Parliament from Germany who is visiting Rapid City to study the criminal justice system and local government.

Mayor Shaw presented a Certificate of Recognition to Tom Vlieger and commended him for 20 years of service to the community and the Police Department.

Shaw also presented a Certificate of Recognition to William Knight and commended him for 20 years of service to the community and the Fire Department.

Motion was made by Hanks, seconded by Rodriguez and carried to approve the Mayor's appointment of Jerry Schoener to the Rapid City Regional **Airport Board**.

Motion was made by Waugh, seconded by Rodriguez and carried to approve the Mayor's appointment of the following individuals to the **Journey Museum Board**: Sheri Stolz-Settle and Rick DenHerder.

Motion was made by Hanks, seconded by Rodriguez and carried to approve the Mayor's appointment of the following individuals to the **Air Quality Board**: Joel Brannan and Jeni Leberknight.

### ***Items from Council Members/Liaison Reports***

The next item discussed by the Council was "Handling of Council Issues". Rodriguez stated that there have been quotes or actions attributed to individual council members in error. Also, there was an article in the Rapid City Journal on July 12th written by Alderman Kooiker entitled "More Accountability Needed", which Rodriguez felt contained several mis-truths. Rodriguez stated that when articles are put in the newspaper by individual council members, she would like to see a statement that these are the opinions of the individual and not a representation of the City Council as a whole.

Kooiker stated that the City of Spearfish recently passed an ordinance enacting a tax on food. At what point will Rapid City consider a similar ordinance and when will the tax be enacted? Finance Officer Preston explained that the City Attorney is currently working on an ordinance which will be presented to the City Council at the beginning of October. The change would be effective January 1, 2004. This will be a revenue neutral ordinance. Currently, the city is charging 2% sales tax on everything, except food. According to the state directive, the tax will now be charged on food, but the percentage will be reduced so that the total sales tax revenue generated will be the same. Kooiker asked what would happen if the City Council refuses to pass the ordinance. Preston stated that if the ordinance is not passed, the City would not be able to take advantage of capturing sales taxes on internet and catalog sales. This would put the local business in Rapid City at a disadvantage because they would be required to collect the tax, but internet sales would not have to collect it. City Attorney Green added that the proposed ordinance must be effective and in place by October 1<sup>st</sup> of 2003 so that it can be delivered to the State Department of Revenue. If the City refuses to enact an ordinance on food or to alter the tax rate to make it compliant with state law, the city would be unable to collect sales taxes for at least six months. Kooiker stated that he is disappointed that the City Council is being asked to pass a law that we disagree with.

**Continued Items Consent Calendar – Items 8-36**

The following items were removed from the Consent Calendar:

26. No. 03PL054 - A request by Davis Engineering, Inc. for Verlyn and Cindy Bourne for a **Preliminary and Final Plat** on Lot A and Lot B of Bourne Addition located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located at 5511 Hidden Valley Lane.
29. No. 03PL063 - A request by Fisk Land Surveying and Consulting Engineers for Dakota Land Development for a **Preliminary and Final Plat** on Lots 1 thru 3, Vista Lake Subdivision #2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 and a portion Lot F-1 of the Fish Hatchery Subdivision, located in the NE1/4 SW1/4 and the N1/2 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Jackson Boulevard north of the Fish Hatchery.

Motion was made by Kroeger, seconded by Rodriguez and carried to continue the following items until August 4, 2003:

8. 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.
9. No. 02PL040 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1-6 of Block 1; Lot 1 of Block 2; Lots 1-20 of Block 3, Lots 1-14 of Block 4; Lot 1 of Block 5, of Eastridge Subdivision and dedicated Enchantment Road, Eastridge Drive, Sally Court, and major drainage easements located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 NW1/4; N1/2 NE1/4 less NW1/4 NW1/4 NE1/4 and less NE1/4 NW1/4 NE1/4 and less NW1/4 NE1/4 NE1/4; NW1/4 NW1/4; SE1/4 NW1/4 less the west 460 feet of the south 990 feet and less Lot H1; SW1/4 NW1/4 less the south 990 feet, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Fifth Street.
10. 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.
11. 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 Road.

12. 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.
13. No. 03PL001 - A request by Dream Design International for a **Preliminary and Final Plat** on Lots A, B, C and well lot, Miracle Place 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.
14. 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.
15. No. 03PL026 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 and 2 of Block 12; Lots 1 thru 4 of Block 15; Lots 1 thru 10 of Block 17; and, Lots 1 thru 17 of Block 18, Red Rock Estates Phase-IV, NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Prestwick Road and Pro Street.
16. No. 03PL028 - A request by DLK Engineering for South Creek Village Limited Partnership for a **Preliminary and Final Plat** on Lot A and Lot B of Lot 2, Superpumper Addition, located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, Superpumper Addition located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Cambell Street and Fairmont Boulevard.
17. No. 03PL030 - A request by Renner & Sperlich Engineering Co. for Gordon Howie for a **Final Plat** on Lots 12 thru 20 of Block 13, Lots 25 thru 32 of Block 14, and Lots 20 thru 25 of Block 15, Trailwood Village, located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located along Mercury Drive, Cabbot Court and Shad Street.
18. No. 03PL035 - A request by Renner & Sperlich Engineering Company for Dean Kelly for a **Layout, Preliminary and Final Plat** on Lots B and C of Lot 6, Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Miracle Pines

Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3960 Corral Drive.

19. No. 03PL042 - A request by Renner and Sperlich Engineering Co. for Gordon Howie for a **Layout, Preliminary and Final Plat** on Lots 1 thru 5 of Block 18, Lots 1 thru 6 of Block 19, Lot 1 of Block 20, and Lots 1 thru 12 of Block 21, and Drainage Lot A, Trailwood Village, located in the E1/2 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the balance of Tract T of Trailwood Village, located in the E1/2 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located west of the intersection of Pluto Drive and Reservoir Road.
20. No. 03PL044 - A request by D.C. Scott Co. Land Surveyors for Thomas Knight for a **Preliminary and Final Plat** on Lot 4R, Lot 5R, and Lot 6 of Knight's Acres Subdivision, shared approach easement, vacated access easement, and dedicated Anderson Road right-of-way located in the N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 4 and Lot 5 of Knight's Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located south of Longview Road and west of Anderson Road.
21. No. 03PL045 - A request by Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz for a **Preliminary and Final Plat** on Lots A and B of Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1903 North Maple Avenue.
22. No. 03PL050 - A request by Mark Polenz for Daniel Schoenfelder for a **Preliminary Plat** on Lot A and Lot B of Schoenfelder Subdivision all located in the NW1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, legally described as Lot 1 of Lot C of Schamber Section 9 NW1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, located 3505 Western Avenue.
23. No. 03PL051 - A request by Doug Sperlich for Jeff Stone for a **Final Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive.
24. No. 03PL052 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1-4, Block 1 and Outlot D; Lots 1-7, Block 2; Lots 1-3, Block 3, of Stoney Creek South Subdivision and Dedicated Bendt Drive and Major Drainage Easements located in the NW1/4 SW1/4 and the SW1/4 SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the S1/2 NW1/4 SW1/4 less Lots H1 and H2, Section 22, T1N, R7E; a portion of the unplatted balance of the N1/2 NW1/4 SW1/4 located south of Catron Boulevard, Section 22, T1N, R7E; a portion of the unplatted balance of the E1/2 SW1/4 less Stoney Creek Subdivision and less Lot H2, Section 22, T1N, R7E; and, a portion of the unplatted balance of the SW1/4 SW1/4 less Lot H1 and Lot P1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of Sheridan Lake Road and Catron Boulevard.

25. No. 03PL053 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1 thru 5, Block 9 and Dedicated Street, the unplatted portion of the SW1/4 and the unplatted portion of the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 NW1/4 SW1/4 less Red Rock Estates and less Countryside Subdivision; E1/2 NE1/4 W1/2 NW1/4 less Red Rock Estates and less right-of-way, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Prestwick Road in Red Rock Estates.
27. No. 03PL055 - A request by TSP Three, Inc. for Wellington Heights, LLC for a **Preliminary and Final Plat** on Lots 1 thru 45, Block 1, Wellington Heights Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B, Cleary Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 6715 Wellington Drive.
28. No. 03PL060 - A request by Dream Design International for Doyle Estes (DTH LLC) for a **Preliminary and Final Plat** on Lot 3-7, Block 13; and dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 GL3 less Big Sky Subdivision; S1/2 GL4 less Lot H1 and Less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and Less Right-of-Way, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Buddy Court off of Degeest Drive.
30. No. 03PL064 - A request by Precision Surveying for Bill Marx for a **Preliminary Plat** on Lots A and B in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 and the north 40 feet of Lot 3 in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4730 Cliff Drive.
31. No. 03PL067 - A request by FMG, Inc. for Bypass LLC for a **Preliminary Plat** on Lots 1 through 9 of Block 1, Lots 1 through 3 of Block 2, Lots 1 through 6 of Block 3, all of I-90 Heartland Business Park, and dedicated public right-of-way shown on Elk Vale Road, Seger Drive, Taggart Road and Galt Court located in the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NE1/4; N1/2 NE1/4 NE1/4; and the unplatted portion of the S1/2 NE1/4 NE1/4; N1/2 SE1/4 NE1/4 all in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north and west of the intersection of I-90 and Elk Vale Road.
32. No. 03PL068 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 10-12, Block 4; Lots 1-11, Block 17; Lots 12-22, Block 15; Lots 3-5, Block 16 of Big Sky Subdivision and dedicated Elmer Street, Aurora Drive, Carl Avenue and Major Drainage Easements located in the N1/2NW1/4SE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 SE1/4 less Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of South Pitch Drive and Elmer Street.
33. 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.

34. No. 03SV013 - A request by Renner & Sperlich Engineering Company for Dean Kelly for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, dry sewer, paving and additional right-of-way width on Corral Drive as per Chapter 16.16 of the Subdivision Regulations** on Lots B and C of Lot 6, Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3960 Corral Drive.
35. No. 03SV016 - A request by FMG, Inc. for Bypass LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk and to improve pavement along Elk Vale Road and to waive the requirement to install sidewalk along a portion of East Road, West Road, Seger Drive and Mall Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 9 of Block 1, Lots 1 thru 5 of Block 2, Lots 1 thru 12 of Block 3, Lot 1 of Block 4, Lots 1 thru 6 of Block 5, and Lot 1 of Block 6, Heartland I90 Business Park, located in the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NE1/4; N1/2 NE1/4 NE1/4; and the unplatted portion of the S1/2 NE1/4 NE1/4; N1/2 SE1/4 NE1/4 all in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north and west of the intersection of I-90 and Elk Vale Road.
36. No. 03VE005 - A request by Dream Design International for Art Janklow for a **Vacation of a portion of a 33 foot wide Private Access Easement** on a portion of Tract C of the NE1/4 NW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, located in the Cimarron Mobile Home Park.

#### END OF CONTINUED ITEMS CONSENT CALENDAR

The Mayor presented No. 03PL054 - a request by Davis Engineering, Inc. for Verlyn and Cindy Bourne for a **Preliminary and Final Plat** on Lot A and Lot B of Bourne Addition located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located at 5511 Hidden Valley Lane. Motion was made by Kroeger and seconded by Hadley to continue this item until August 4, 2003. Kriebel asked what the procedure would be to modify the stipulations for this plat. Planning Director Elkins explained that the City Council has authority to change any stipulations that do not require a subdivision variance which would require a public hearing process. Mike Larson stated that he has no objection to the plat being approved and then applying for the necessary variances. However, he noted that he has been having trouble getting the final information he needs relative to the road requirements from the Engineering Department. He needs this information so that he can obtain surety so that the plat can be approved. Kooiker objected to the stipulation that would require this developer to pave a portion of Hidden Valley Lane. Hadley concurred. Upon vote being taken, the motion to continue carried unanimously.

The Mayor presented No. 03PL063, a request by Fisk Land Surveying and Consulting Engineers for Dakota Land Development for a **Preliminary and Final Plat** on Lots 1 thru 3, Vista Lake Subdivision #2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 and a portion of Lot F-1 of the Fish Hatchery Subdivision, located in the NE1/4 SW1/4 and the N1/2 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Jackson Boulevard north of the Fish

Hatchery. Motion was made by Hanks, seconded by Rodriguez and carried to approve the Preliminary Plat with the following stipulations, and continue the Final Plat until August 4, 2003: 1) Prior to Preliminary Plat approval by the City Council, a letter providing a summary of drainage considerations shall be submitted for review and approval; 2) Prior to Preliminary Plat approval by the City Council, a letter providing a summary of considerations for non-gravity sewer service for Lot 1 shall be submitted for review and approval; 3) Prior to Preliminary Plat approval by the City Council, design plans stamped by a Professional Engineer for the proposed retaining wall shall be submitted for review and approval; 4) Prior to Preliminary Plat approval by the City Council, the applicant shall enter into an agreement holding the City harmless for any damage and/or destruction that may result from a constructed walkway encroaching into a drainage channel or the encroachment shall be removed in accordance with the previously reviewed and approved drainage plan; 5) All Uniform Fire Codes shall be continually met; 6) Prior to Preliminary Plat approval by the City Council, written approval to allow the proposed access along Jackson Boulevard shall be obtained; 7) Prior to Final Plat approval by the City Council, the plat title shall be revised to read "Formerly Lot 1 of Lot F-1 and a portion of Lot F-1..."; 8) Prior to Preliminary Plat approval by the City Council, a Major Amendment to the associated Planned Residential Development shall be approved; 9) Prior to Final Plat approval by the City Council, notes on the plat referencing driveway slopes, geotechnical information, building envelopes, cut and fill transitions, and individual lot development shall be removed from the plat document and placed on the site plan for the associated Major Amendment to the Planned Residential Development; 10) Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 11) 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.

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

This was the time set for hearing on the application of the **Noon Optimist Club** of Rapid City for a Special Malt Beverage License to be used on August 2, 2003 at the corner of 6<sup>th</sup> & Main Street. Upon motion made by Hanks, seconded by Kroeger and carried, the Council approved the application.

This was the time set for hearing on the application of Thomas Janklow dba **The Liquor Store**, 1925 W. Main Street, Suite 3, for an Off-Sale Liquor License (New License – No Video Lottery). Upon motion made by Hanks, seconded by Kroeger and carried, the Council approved the application.

Upon motion made by Hanks, seconded by Waugh and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, August 4, 2003:

39. Rapid City Area **Chamber of Commerce**, Special Malt Beverage License to be used on September 8, 2003 at 3030 Lange Ranch Road (Black Hills Harley Davidson) for the Chamber Mixer
40. Rapid City Area **Chamber of Commerce**, Special Wine License to be used on September 8, 2003 at 3030 Lange Road (Black Hills Harley Davidson) for the Chamber Mixer
41. Rapid City Area **Chamber of Commerce**, Special Malt Beverage License to be used on October 14, 2003 at 615 Twelfth Street (Skyline Engineering) for the Chamber Mixer
42. Rapid City Area **Chamber of Commerce**, Special Wine Beverage License to be used on October 14, 2003 at 615 Twelfth Street (Skyline Engineering) for the Chamber Mixer
43. Li Zhu Zhu dba **Hong Kong Buffet**, 927 E. North Street, for an On-Off Sale Malt Beverage License (New License – No Video Lottery)

**Consent Calendar Items – 44-77**

The following items were removed from the Consent Calendar:

46. Request that staff prepare the ordinances necessary for the automated garbage collection system.
47. Recommend denial of 44<sup>th</sup> Street & West Chicago Street Improvement Plan; proceed with the land acquisition; and authorize Mayor and Finance Office to sign an Appraisal Contract.
50. No. PW071503-06 – Approve Change Order No. 03 for Co-Compost Facility Project SWO02-1168 to RCS Construction, Inc. for an increase of \$26,740; contingent upon approval from the South Dakota Department of Environment and Natural Resources.
51. No. PW071503-07 – Approve Change Order No. 03 for Water Reclamation Facility Expansion Project WRF02-1173 to Glenn C. Barber & Associates for an increase of \$30,207; contingent upon approval from the South Dakota Department of Environment and Natural Resources.
55. No. PW071503-13 – Authorize Mayor and Finance Officer to sign Amendment No. 02 to Professional Service Agreement with Kadrmas, Lee & Jackson, Inc. for Haines Avenue North, Northridge Drive to Viking Drive Project P1669(26) & SSW02-1242 for a clarification of start date only.
70. No. LF070203-04R – Approve Resolution Declaring Property Surplus.
76. No. 03PL072 - A request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Layout Plat** on Lot 1 of Block 1, Lazy P-6 Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as NW1/4 NW1/4 NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the southeast quadrant of the current Parkview Drive terminus.
77. No. 03SE004 - A request by DLK Engineering for South Creek Limited Partnership for a **Special Exception to allow 80 dwelling units in lieu of 40 dwelling units with one point of access** on Lot 2 less 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 South East corner of Lot 2 Fellowship Addition and the South West 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 S89°37'12"E a distance of 611.89 feet more or less; thence S00°01'35"W a distance of 742.35 feet more or less; thence N09°32'15"W a distance of 200.00 feet more or less; thence S00°01'35"W a distance of 200.00 feet more or less; thence N89°32'15"W a distance of 389.26 feet to the True Point of Beginning, located in Superpumper Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Fairmont Boulevard and east of South Highway 79.

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

**Set for Hearing** (August 18, 2003)

44. No. 03VR006 - A request by FMG, Inc. for Bypass LLC for a **Vacation of Right-of-Way** on the south one half of the section line right-of-way that is located along the north side of the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north and west of the intersection of I-90 and Elk Vale Road.
45. No. 03VR007 - A request by Precision Surveying for William Marx for a **Vacation of Right-of-Way** on Lot 2 and the north 40 feet of Lot 3 in Block B of Canyon Lake Heights Subdivision, located in NW1/4 of Section 16, T1N, R7E, and also the area to

be vacated on the common area of north and south portion of Blocks 1-5 of Chapel Lane Village Subdivision, located in NE1/4 of Section 17, T1N, R7E, BHM, Rapid City, Pennington County, south Dakota, located at 4730 Cliff Drive.

**Public Works Committee Consent Items**

- 48. No. PW071503-04 – Approve Change Order No. 01 for Omaha Street Water & Sewer Utilities and Median Beautification Project SSW02-1106 & PR02-1215 to Stanley J. Johnsen Concrete Contractor, Inc. for an increase of \$580.44.
- 49. No. PW071503-05 – Approve Change Order No. 01F for Sidewalk Improvement Project SWK02-1139 to Tru-Form Construction, Inc. for an increase of \$1,183.33.
- 52. No. PW071503-08 – Approve Change Order No. 01F for Block 31-32 Alley Paving, Flormann/Sunnyside Addition Project ST02-1233 to Hills Materials Company for an increase of \$1,962.80.
- 53. No. PW071503-09 – Approve Change Order No. 01F for Sheridan Lake Road/Fairway Hills Drive Street Repair Project W03-1320 to Heavy Constructors, Inc. for an increase of \$3,881.80.
- 54. No. PW071503-12 – Authorize staff to advertise for bids for Arrowhead Detention Pond Element 302 Project DR01-1126.
- 56. No. PW071503-14 – Approve Resolution Setting Time and Place for Hearing on August 18, 2003 for Assessment Roll for Block 31-32 Alley Paving, Flormann/Sunnyside Addition Project ST02-1233.

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON  
ASSESSMENT ROLL FOR  
BLOCK 31-32 ALLEY PAVING (FLORMANN/SUNNYSIDE ADDITION)  
PROJECT NO. ST02-1233

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

- 1. The assessment roll for Block 3132 Alley Paving (Flormann/Sunnyside Addition) Project ST02-1233 was submitted to the Finance Office on the 21<sup>st</sup> day of July, 2003. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, August 18, 2003 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
- 2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time and place of hearing thereon, that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
- 3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 21<sup>st</sup> day of July, 2003.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

- 57. No. PW071503-15 - Authorize Mayor and Finance Officer to sign agreement to purchase Water Rights from the Cleghorn Springs Water Association.
- 58. Request staff to proceed with the East New York Street railroad crossing repair at the end of the construction season.
- 59. No. PW071503-17 – Approve the Adoption of Wonderland Drive Drainage Basin Design Plan.
- 60. No. 03VE006 – Approve a Vacation of Utility Easement for Audrey L. Painter, located at 820 Ennen Drive.

**RESOLUTION OF VACATION  
OF UTILITY EASEMENT**

WHEREAS it appears that a portion of the utility easement on Lot 5, Block 7, Meadow Ridge Subdivision, located in Section 2, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 820 Ennen Drive is not needed for public purpose; and

WHEREAS the owner(s) of property adjacent to the above-described property desires said portion of the utility easement to be vacated and released;

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

Dated this 21st day of July, 2003.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

***Legal & Finance Committee Consent Items***

- 61. No. LF071603-01 – Request the City Attorney’s office to work with the Ordinance Review Committee in reviewing and/or revising the ordinance language regarding parking of maintenance service vehicles in loading zones and two hour time zones in the downtown area; defining what a service vehicle is; and to bring those changes to the August 13, 2003, Legal and Finance Committee meeting.
- 62. No. LF071603-02 – Approve Travel Request for Roger Theye and Stanley Kennard to attend AAEE Basic Airport Safety & Operations Specialist School from August 16-20, 2003, in Boston, MA, in the Approximate Sum of \$3,402.
- 63. Approve Travel Request for Craig Uhre to attend AAEE Airport Board Commissioners Workshop in San Francisco, California, from August 3-6, 2003, in the approximate sum of \$1,667.69.
- 64. No. LF071603-03 – Authorize Mayor and Finance Officer to enter into Contract with county for the purchase of a tender style fire truck with an approximate value of \$135,000 (City’s portion – up to \$35,000).
- 65. Authorize staff to go out for RFP’s for temporary and/or permanent billing and contract services for EMS.
- 66. No. LF071603-04 – Authorize Mayor and Finance Officer to enter into a Contract with GeoAnalytics in the amount of \$10,000 plus direct expenses in an approximate amount to be determined by the July 21, 2003, Council meeting. Funding will come from Planning’s 705 Urban Planning budget.
- 67. No. LF071603-05 - Approve Infrastructure Development Partnership Loan - Centerline for Lazy P-6 Land Company Inc.

- 68. No. LF071603-09 – Approve Travel Request for Marcia Elkins, Connie Elwood, and the Community Development Specialist to attend the Housing and Urban Development “Community Planning and Development Conference” in Denver, Colorado, August 18-22, 2003, in the amount of \$2,925.27.
- 69. No. LF071603-06 – Approve Resolution Amending the Plan for Projects and Programs to be Funded from the Rapid City Economic Development and Civic Improvements Fund.

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

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

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

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

- 1. Wastewater Treatment Plant: Delete funding in the amount of \$100,000 in FY2003.
- 2. Girls Softball Complex: Add funding in the amount of \$100,000 in FY2003.

Dated this 21st day of July, 2003.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

- 71. Approve the following licenses: Master Electrician: John Wright; Apprentice Electrician: Michael Lannen, Michael Stewart, Jonathan Williams; Mechanical Apprentice: Larry Borgwardt, Toan Oliver; Plumber: Cory Larson; Second Hand: B.F. Variety Stores, Inc., dba Matt Kimball’s Golf Shop, Matthew Roger Kimball

***Planning Department Consent Items***

- 72. No. 03AN008 – Approve the request by Dream Design International, Inc. for a Petition for Annexation, located north of South Pitch Drive and Elmer Street.

**A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY**

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

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

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 8.129 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

The unplatted balance of the NW1/4 SE1/4 less Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, containing 8.129 acres, more or less.

Dated this 21<sup>st</sup> day of July 2003.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

- 73. No. 02PL114 - A request by Dream Design International Inc. for a **Preliminary and Final Plat** on Lots 7 thru 10, Block 14 and Outlot LS and dedicated streets of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Birkdale Road off Muirfield Drive. (DENY WITHOUT PREJUDICE)
- 74. No. 03PL070 - A request by Renner and Sperlich Engineering, Co. for Word of Hope Wesleyan Church for a **Layout, Preliminary and Final Plat** on Lot B of Block 16, Trailwood Village located in the SE1/4 SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the SE1/4 SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located northeast of the intersection of Covington Street and East Highway 44. (DENY WITHOUT PREJUDICE)
- 75. No. 03PL071 – Approve the request by Renner and Sperlich Engineering, Co. for Pat Vidal for a **Layout, Preliminary and Final Plat** located southeast of the intersection of West Main Street and Jackson Boulevard.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot A and Lot B, of the Washburn Lot (formerly Lot 1, less Lot H-1 of Lots 1 & 2 of the Washburn Lot, and the balance of the Washburn Lot) located in "Government" Lot 4, Section 2, 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 A and Lot B, of the Washburn Lot (formerly Lot 1, less Lot H-1 of Lots 1 & 2 of the Washburn Lot, and the balance of the Washburn Lot) located in "Government" Lot 4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and

the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 21<sup>st</sup> day of July, 2003.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

## END OF CONSENT CALENDAR

Motion was made by Rodriguez and seconded by Hanks to request that staff prepare the recommendations necessary to determine the **fee structure for excess garbage** under the automated garbage collection system. Upon vote being taken, the motion carried unanimously.

The next item discussed by the Council was the **44<sup>th</sup> Street & West Chicago Street Improvement Plan**. Motion was made by Partridge and seconded by Kriebel to authorize Mayor and Finance Office to sign an Appraisal Contract. Kriebel stated that he has discussed this project in detail with city staff and affected property owners and is in favor of proceeding with the appraisal on the property that would be needed for the project. Rodriguez asked where the funding for the appraisal would come from. Preston explained that funding is available in the CIP fund for this project. Partridge agreed to add the following to his motion: Award the contract for the appraisal to Jon Haeder in the amount of \$4,500. Upon vote being taken, the motion, as modified, carried unanimously.

Motion was made by Rodriguez and seconded by Murphy to approve No. PW071503-06 – Change Order No. 03 for **Co-Compost Facility Project** SWO02-1168 to RCS Construction, Inc. for an increase of \$26,740; contingent upon approval from the South Dakota Department of Environment and Natural Resources. Kooiker asked about the percentage of completion on the project, is the project over budget, and will there be additional change orders on the project. Project Manager Dan Coon reported that the project is essentially complete; they are in the start-up and trouble shooting phase. In a facility of this type, there is a lot of electronic equipment which must be checked out. The total amount of change orders processed for this project is approximately \$61,000 which is .85% of the original contract amount. As part of the entire project, a three percent contingency was included in the project cost which comes to \$170,000. Coon added that he doesn't foresee additional change orders, but there is no guarantee. Upon vote being taken, the motion carried unanimously.

Motion was made by Kroeger and seconded by Rodriguez to approve No. PW071503-07 – Change Order No. 03 for **Water Reclamation Facility Expansion Project** WRF02-1173 to Glenn C. Barber & Associates for an increase of \$30,207; contingent upon approval from the South Dakota Department of Environment and Natural Resources. Project Manager Dan Coon reported that the project is 85%-90% complete. The completion date is November 7, 2003 and the contractor has indicated that they are ahead of schedule. Financially, with this change order, the project is at (\$54,000) for this part of the project. That is (.64%) of the original contract amount. The contingency for this project is approximately \$354,000 which includes other phases of the project. To date, 20% of the contingency has been used. Coon explained that a breach in the seam of the sludge pond liner was discovered by staff and the pond has been emptied. The situation is being evaluated to determine the best solution and recommendations will be submitted to the Council in the near future. Upon vote being taken, the motion carried unanimously.

Motion was made by Rodriguez, seconded by Kroeger and carried to approve No. PW071503-13 – Authorize Mayor and Finance Officer to sign Amendment No. 02 to Professional Service Agreement with Kadrmass, Lee & Jackson, Inc. for **Haines Avenue North, Northridge Drive to Viking Drive Project** P1669(26) & SSW02-1242 for a clarification of start date only.

The next item before the Council was No. LF070203-04R – Approve Resolution Declaring Property Surplus. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION DECLARING PROPERTY SURPLUS

WHEREAS the below-described property is no longer necessary, useful or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes, including disposal, sale, transfer to other government agency, or trade-in on new equipment:

Recreation Department  
1987 Ford Supercab Pickup, SN 17139

Solid Waste Disposal  
1990 Dodge Pickup, SN 705197

Golf Course  
1986 Chevy Pickup, SN 152369  
1978 Ford F150 Pickup, SN BG1891  
1980 Chevrolet Suburban, SN 154016

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 21<sup>st</sup> day of July, 2003.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Kroeger. Kooiker spoke against the resolution, on principal. These vehicles were sold at the June 16<sup>th</sup> auction. Roll call vote was taken: AYE: Hanks, French, Murphy Rodriguez, Waugh, Kroeger and Partridge; NO: Kooiker, Hadley and Kriebel. Motion carried, 7-3.

The next item before the Council was No. 03PL072, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Layout Plat** on Lot 1 of Block 1, Lazy P-6 Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as NW1/4 NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the southeast quadrant of the current Parkview Drive terminus. Motion was made by Hanks and seconded by Waugh to approve the requested Layout Plat, with stipulations. Larry Kostaneski requested that the Council consider allowing the 40 unit exception for this development which will have 72 units. He referenced information that was presented to the Council prior to this meeting. Hanks asked when a secondary access would be provided. Kostaneski speculated that if everything proceeds as planned with the Fifth Street TIF, there

will be a Parkview through Lazy P-6 local network within 18 months. Hanks withdrew the original motion and there were no objections. Motion was made by Hanks and seconded by Partridge to approve the Layout Plat with the following stipulations: 1) Upon submittal of a Preliminary Plat, a grading plan and geotechnical information shall be submitted for review and approval; 2) Upon submittal of a Preliminary Plat, a field topographic survey shall be submitted for review and approval; 3) Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In particular, any off-site interim detention improvements to be located on the balance of the applicant's property as shown on the Master Plan shall be identified. In addition, the plat shall be revised to show drainage easements as needed; 4) 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. In addition, the applicant shall delineate the proposed service boundaries for the sewer extension; 5) Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In addition, the applicant shall delineate the proposed service boundaries for the water extension; 6) Upon submittal of the 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 and gutter and sidewalk improvements for all adjacent and interior roadways. In addition, the construction plans shall show a temporary turnaround at the eastern terminus of the Local Road located south of the subject property and at the intersection of the Local Road and Parkview Drive; 7) Upon submittal of the Preliminary Plat, the plat document shall be revised to show the dedication of the west half of the rights-of-way for Parkview Drive and Fifth Street located on an adjacent property(s) or the west half of the rights-of-way shall be dedicated as a part of a separate platting proposal. Either way, the entire rights-of-way for Parkview Drive and Fifth Street shall be dedicated at the same time or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way; 8) Upon submittal of the Preliminary Plat, road construction plans showing the proposed road to be located along the south lot line of the subject property as a local street shall be submitted for review and approval. In addition, the road construction plans shall show a temporary turnaround at the eastern terminus of the local street and at the intersection of the local street and Parkview Drive; 9) Prior to Preliminary Plat approval by the City Council, the section line highway located along the north lot line shall be improved to City Street Design standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated; 10) Prior to Final Plat approval by the City Council, the plat document shall be revised to provide an additional five feet of right-of-way for the section line highway located along the north lot line or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of the north half of the right-of-way for the section line highway located on an adjacent property or the north half of the right-of-way shall be dedicated as a part of a separate platting proposal. Either way, the entire right-of-way for the section line highway shall be dedicated at the same time or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way; 11) Prior to Final Plat approval by the City Council, a non-access easement shall be shown along the perimeter of Lot 1, Block 1 except for approved approach locations. In particular, access shall be taken from the lesser order street or a Special Exception to the Street Design Criteria Manual shall be obtained; 12) Upon submittal of the Preliminary Plat, a phasing schedule for the balance of the Master Plan shall be submitted for review and approval. In addition, the Master Plan shall be revised to show access to all lots located within the Low Density Residential II District. The Master Plan shall also provide a road connection to the property located north of the subject property; 13) The Special Exception to allow no more than 72 dwelling units with one point of access is hereby approved; 14) Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval; 15) Upon submittal of the Preliminary Plat, a plat document showing road names shall be submitted for review and approval; 16) Prior to

Final Plat approval by the City Council, an approach permit for the Fifth Street approach onto Catron Boulevard must be obtained; 17) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 18) 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. Roll call vote was taken: AYE: Hanks, French, Waugh, Hadley, Kroeger and Kriebel; NO: Kooiker, Murphy, Rodriguez and Partridge. Motion carried, 6-4.

The Mayor presented No. 03SE004, a request by DLK Engineering for South Creek Limited Partnership for a **Special Exception to allow 80 dwelling units in lieu of 40 dwelling units with one point of access** on Lot 2 less 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 South East corner of Lot 2 Fellowship Addition and the South West 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 S89°37'12"E a distance of 611.89 feet more or less; thence S00°01'35"W a distance of 742.35 feet more or less; thence N09°32'15"W a distance of 200.00 feet more or less; thence S00°01'35"W a distance of 200.00 feet more or less; thence N89°32'15"W a distance of 389.26 feet to the True Point of Beginning, located in Superpumper Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Fairmont Boulevard and east of South Highway 79. Hanks asked when the developer anticipates providing a secondary access point. Bob Schultz, representing the Gandolf Group, stated that they anticipate that a secondary access will be provided by next fall in 2004. Motion was made by Hanks and seconded by Partridge to allow the special exception to allow up to 80 dwelling units in lieu of the 40 dwelling unit rule. Kooiker asked why a change was made in the number of units from the time the TIF was presented. Schultz explained that the TIF application initially called for 72 units. Our market study and the State of South Dakota's interest enabled the developers to increase the development to 80 units. Kooiker asked how the impact fees would be applied to this development. Planning Director Elkins noted that this development will be seeking an exception under the impact fee regulations for low income housing because there are funds involved in this relating to the CDBG grant for low and moderate income housing. Kooiker stated that it was his understanding that there would not be a request for an impact fee waiver because of the assistance this development has received in other areas. Roll call vote was taken: AYE: Hanks, French, Rodriguez, Waugh, Kroeger and Kriebel; NO: Kooiker, Murphy, Hadley and Partridge. Motion carried, 6-4.

### **Public Hearing**

The Mayor announced that the meeting was open for consideration of the Assessment Roll for Block 11 Alley Paving Project ST02-1214 (No. CC072103-02). Notice of Hearing was published in the Rapid City Journal on 14, 2003 and mailed to affected property owners on June 23, 2003. No oral or written objections were submitted. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR  
BLOCK 11 ALLEY PAVING (SOUTH PARK ADDITION)  
PROJECT NO. ST02-1214

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the alley paving is the amount stated in the proposed assessment roll.

- 2. The assessment roll for ST02-1214 Block 11 Alley Paving (South Park Addition) is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
- 3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in ten annual installments bearing interest at the rate not to exceed nine percent (9%).

Dated this 21<sup>st</sup> day of July, 2003.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

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

***Planning Department – Hearings***

Public Comment on Items 79-86

Larry Kostaneski spoke relative to Agenda Item No. 84, No. 03SV024 - A request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code**. Kostaneski explained that Lazy P-6 wants to construct 600' of Parkview Drive and 600' of a local road that runs east of Parkview. The problem is the road to the north adjoins Stoneridge LLC property. We have met with them and there are still questions about how this road will fit into the proposed development. The obvious solution is to provide a WORP which will secure the City's position. The WORP will require Lazy P-6 to contract with the city and state when this part of the street is ready to be built by the adjoining property owners or the city; you will participate; you have no choice. Lazy P-6 is fine with this approach. Hanks noted that one disadvantage to a WORP is that it must be enforced through the court system. Elkins explained that a WORP forces the City to proceed with an assessment project which adjoining property owners may or may not be willing to participate in. At this point in time, the applicant is required to build the road or provide surety so that it is built within a two year period. The city has not used a WORP for contiguous roads in the past. The decisions relative to these contiguous roads need to be decided at this stage of development.

The Mayor presented No. 03CA017, a request by FMG, Inc. for Bypass LLC for a **Comprehensive Plan Amendment to amend the Major Street Plan**, located north and west of the intersection of I-90 and Elk Vale Road. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 21<sup>st</sup> day of July, 2003 to consider an amendment to the Comprehensive Plan to revise the Major Street Plan on the

S1/2 of Section 21; and, the NE1/4, NW1/4 SE1/4, E1/2 NW1/4 and the NE1/4 SW1/4 of Section 28, all located in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota and good cause appearing therefor

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

Dated this 21<sup>st</sup> day of July, 2003.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

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

The Mayor presented No. 02SV042, a request by Dream Design International Inc. for a **Variance to the Subdivision Regulations to waive the requirements to install sidewalks and curb and gutter as per Section 16.16 of the Subdivision Regulations** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described by metes and bounds as: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 Feet; thence N11°40'26"E 155.33 Feet; thence N21°22'17"E 120.00 Feet; thence S68°37'43"E 160.00 feet; thence N21°22'17"E 632.95 feet; thence N68°45'17"W 12.50 feet; thence N21°22'17"E 24.00 feet; thence S68°45'17"E 8.37 feet; thence N21°22'31"E 32.50 feet; thence S68°45'17"E 20.00 feet; thence S21°22'31"W 32.50 feet; thence S68°45'17"E 45.63 feet; thence S21°22'17"W 24.00 feet; thence N68°45'17"W 12.50 feet; thence S21°22'17"W 124.33 feet; thence N90°00'00"E 96.61 feet; Thence S00°00'00"E 116.52 feet; thence S90°00'00"W 142.20 feet; thence S21°22'17"W 129.24 feet; thence S23°37'43"E 14.14 feet; thence S68°37'43"E 30.17 feet; thence S21°22'17"W 40.00 feet; thence N68°37'43"W 30.17 feet; thence S66°22'17"W 14.14 feet; thence S21°22'17"W 314.36 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 12°43'49", an arc length of 27.88 feet to a point tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 34°44'55", an arc length of 76.11 feet to a point of reversed curvature; thence southerly along the arc of said reversed curve to the right whose radius 174.50 feet and whose delta is 31°36'04", an arc length of 96.24 feet to a point of tangency; thence S05°29'36"W 86.04 feet; thence S41°39'58"E 13.64 feet to a point lying on a curve concave to the south and whose chord bears N84°30'24"W, 69.00 feet; thence westerly along the arc of said curve to the left whose radius 438.00 feet and whose delta is 09°02'07", an arc length of 69.07 feet to a point on said curve; thence N48°34'56"E 14.64 feet; thence N05°29'36"E 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 11°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point of Beginning, legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Birkdale Road off Muirfield Drive. Motion was made by Kooiker, seconded by Rodriguez and carried to deny the request without prejudice.

Motion was made by Kooiker, seconded by Rodriguez and carried to authorize the Mayor and Finance Officer to sign a waiver of right to protest a future assessment for street improvements. (02SV022)

The Mayor presented No. 03SV022, a request by Precision Surveying for Bill Marx for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 and the north 40 feet of Lot 3 in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4730 Cliff Drive. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested Variance, with the following stipulation: 1) Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment for the improvements.

The Mayor presented No. 03SV023, a request by FMG, Inc. for Bypass LLC for a **Variance to the Subdivision Regulations to allow platting on one half of the right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement on the Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 9 of Block 1, Lots 1 through 3 of Block 2, Lots 1 through 6 of Block 3, all of I-90 Heartland Business Park, and dedicated public right-of-way shown on Elk Vale Road, Seger Drive, Taggart Road and Galt Court located in the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NE1/4; N1/2 NE1/4 NE1/4; and the unplatted portion of the S1/2 NE1/4 NE1/4; N1/2 SE1/4 NE1/4 all in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north and west of the intersection of I-90 and Elk Vale Road. Motion was made by Kooiker and seconded by Rodriguez to deny the requested Variance. Upon vote being taken, the motion carried with Partridge voting no.

The Mayor presented No. 03SV024, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Block 1, Lazy P-6 Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as NW1/4 NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the southeast quadrant of the current Parkview Drive terminus. Motion was made by Kooiker, seconded by Partridge and carried to continue this item until August 4, 2003 at the applicant's request.

The Mayor presented No. 03VR004, a request by SD Department of Transportation for a **Vacation of Right-of-Way** on that portion of Boston Street located adjacent to Lot RU-107A, Tract A and Lot 38 all of Block 2, Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Boston Street. The following Resolution was introduced, read and Kooiker moved its adoption, with the following stipulations: 1) Prior to approval by City Council, the applicant shall revise the Exhibit A to include the book and page of the plat recording the right of way at the Pennington County Register of Deeds; and, 2) Prior to approval by City Council, the applicant shall revise Exhibit A heading to read, "Vacation of right of way Boston Street adjacent to Lot RU107A and Tract A of Block 2; and Lot 38 of amended plat of Block 2, all in Riverside Addition to Rapid City recorded in the Pennington County Register of Deeds".

RESOLUTION OF VACATION  
OF RIGHT-OF-WAY

WHEREAS it appears that a portion of the public right-of-way on that portion of Boston Street located adjacent to Lot RU-107A, Tract A and Lot 38 all of Block 2, Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Boston Street is not needed for public purposes; and

WHEREAS the owner(s) of property adjacent to the above-described property desires said right-of-way to be vacated and released;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the right-of-way heretofore described, and as shown on Exhibit "A", attached hereto, be and the same is hereby vacated; and,

BE IT FURTHER RESOLVED by the City of Rapid City that the Mayor and Finance Officer are hereby authorized to execute a release of right-of-way in regard thereto.

Dated this 21<sup>st</sup> day of July, 2003.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

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

The Mayor presented No. 03VR005, a request by William H. Siegel for a **Vacation of Right-of-Way** on the 40 foot right-of-way north of Lot 5, Freeland Subdivision, located in the SE1/4 SW1/4, Section 19, T2N, R8E, BHM, Pennington County, South Dakota, located at 2925 Freedland Avenue. Motion was made by Kooiker, seconded by Rodriguez and carried to deny this item without prejudice.

***Ordinances & Resolutions***

The Mayor presented No. 02RZ065, second reading of **Ordinance 3884**, a request by Dream Design International Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** on the following property: A parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described by metes and bounds as follows: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; Thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 feet; thence N11°40'26"E 155.33 feet; thence N21°22'17"E 120.00 feet; thence S68°37'43"E 160.00 feet; thence S21°22'17"W 120.00 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 12°43'49", an arc length of 38.77 feet to a point of tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 34°44'55", and arc length of 105.83 feet to a point of reversed curvature; thence southerly along the arc of said curve to the right whose radius is 125.50 feet and whose delta is 19°48'27", an arc length of 43.39 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point Of Beginning; in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Birkdale Road off Muirfield Drive. Motion was made by Hanks, seconded by Murphy and carried to deny this item without prejudice.

**Ordinance 3953** entitled An Ordinance Establishing the Department of City Infrastructure by Repealing Chapter 2.28 of the Rapid City Municipal Code and Adding Chapter 2.46 to the Rapid City Municipal Code (No. LF070203-05), having passed the first reading on July 7, 2003, it was moved by Hanks and seconded by Waugh that the title be read the second time. Staff proposed a revision to the ordinance which would strike the following: "and the regulation of street openings, driveway openings and curb cuts." It is anticipated that permits for these activities should be issued through the Development Services Center as part of the entire development process. Motion was made by Rodriguez, seconded by Kroeger and carried to amend the ordinance to strike the wording as recommended by staff. The following voted AYE on the motion, as amended: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3953 was declared duly passed upon its second reading.

**Ordinance 3954** entitled An Ordinance Establishing the Department of City Operations by Adding Chapter 2.44 to the Rapid City Municipal Code (No. LF070203-06), having passed the first reading on July 7, 2003, it was moved by Hanks and seconded by Rodriguez that the title be read the second time. Elkins reported that it has not been decided where the storm water runoff program belongs in the new administrative structure being developed and the program has not been completely developed or reviewed by the Council. Staff proposed a revision to the ordinance which would strike all references to the Storm Water Runoff. Motion was made by Rodriguez, seconded by Kroeger and carried to amend the ordinance to delete all references to Storm Water Runoff. The following voted AYE on the motion, as amended: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3954 was declared duly passed upon its second reading.

**Ordinance 3955** entitled An Ordinance Establishing the Department of Growth Management by Adding Chapter 2.47 to the Rapid City Municipal Code (No. LF070203-07), having passed the first reading on July 7, 2003, it was moved by Hanks and seconded by Murphy that the title be read the second time. Elkins recommended that the language referring to the building permit review team and the development review team be deleted. Motion was made by Rodriguez, seconded by Kroeger and carried to amend the ordinance to delete the language referring to the building permit review team and the development review team. The following voted AYE on the motion, as amended: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3955 was declared duly passed upon its second reading.

**Ordinance 3956** entitled An Ordinance Establishing the Department of Parks and Recreation by Adding Chapter 2.89 to the Rapid City Municipal Code (No. LF070203-08R), having passed the first reading on July 7, 2003, it was moved by Hanks and seconded by Murphy that the title be read the second time. City Attorney Green submitted two alternates with revisions to the ordinance. Alternate 2 strikes language in Section 2.89.050 (b) relating to the Director of Golf. This will take the Director of Golf out of the position of being appointed by the Mayor, with the approval of the Council. This is consistent with all other division managers within the City. Motion was made by Waugh and seconded by Rodriguez to amend the ordinance to include the wording in Alternate No. 1. Kooiker and Partridge suggested that the title of the Director of Golf be modified to be consistent with other division managers. Upon vote being taken, the motion to amend carried with French voting NO. The following voted AYE on the motion, as amended: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3956 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on **Ordinance 3957**, a request by Dream Design International, Inc. for a **Rezoning from No Use District to Low Density Residential District** the unplatted balance of the NW1/4 SE1/4 less Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of

South Pitch Drive and Elmer Street (No. 03RZ024). Notice of hearing was published in the Rapid City Journal on July 12 and July 19, 2003. Ordinance 3957, having had the first reading on July 7, 2003, it was moved by Hanks and seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3957 the second time.

**Ordinance 3959**, (No. 03RZ028) a request by the City of Rapid City for a **Rezoning from No Use District to Temporary Airport District** on an Emergency Basis on the following property, was introduced: Lot 1 in SW1/4 Section 5 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 2 and 3 in S1/2 Section 6 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 4 and 5 in E1/2 Section 7 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot H-1 in the SE1/4 of Section 7, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 6 in NW1/4 Section 8 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 1, Lots 3, 4, 5 and 6 in the SW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 1 and 2 of the SW1/4 Section 8 and Lot 1 of SW1/4SE1/4 Section 8, all located in T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 7 of R.C. Airport Subdivision No. 1 in SW1/4, Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 6 in SE1/4 Section 8 of R.C. Airport Subdivision No. 2 in SE1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 2, Lots 2, 3, 4 & 5 in the SE1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 3, Lots 1 & 2 in the SW1/4, Section 9, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot H-1 of NW1/4, Section 16, T1N, R9E, BHM, Pennington County, South Dakota; and, All of Section 17, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 2 in SE1/4 Section 20 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, All of the N1/2 of Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot A and B of SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Section line right-of-way in the SW1/4 of Section 20 located north of Lot H-1 of Lot A in the SW1/4 of Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 3, 4, 5 & 6 in Section 21 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 5A in SW1/4SW1/4 of Section 21 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, W1/2NW1/4, NW1/4SW1/4, Pt. SW1/4SW1/4, Tracts G and H in the SE1/4NW1/4 and E1/2SW1/4, and Tract I in the SW1/4SW1/4, Section 21, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 7 and 8 in N1/2 of Section 28 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota, located north of SD Highway 44 and east of Reservoir Road. Motion was made by Hanks, seconded by Rodriguez and carried to table this item.

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

The next item discussed by the Council was granting of **special exceptions** to ordinances by Department Heads. Rodriguez explained that several citizens have approached the Ordinance Review Committee requesting a special exception from city ordinances and have stated that they were allowed to do this in the past. She requested that all exceptions to the rules be approved by the City Council.

The next item discussed by the Council was a request for a **Special Event/Parade Permit** which would allow motorcycles to park on Sixth Street in front of the Alex Johnson Hotel in the loading zone area during the week of the Sturgis Rally. For discussion purposes, motion was made by Hanks and seconded by Murphy to approve the special event/parade permit for the Alex Johnson Hotel. The permit request is for 45 days. Police Chief Tieszen stated that the Police and Fire Departments do have safety concerns when motorcycles are parked in the loading zone and busses are loading and unloading in this area. Tieszen recommended that the permit be approved with the following stipulations: 1) The permit is approved for August 1-10, 2003; and 2) any loading or unloading of busses be conducted with the use of flaggers or other safety devices. Hanks also suggested that no loading or unloading be allowed in any of the driving or turning lanes. Substitute motion was made by Kroeger and seconded by Waugh to approve the Special Event/Parade Permit for the Alex Johnson Hotel, with the stipulations outlined by the Police Chief Tieszen. Kriebel stated that many companies use the center lane for parking while making deliveries to businesses in this area. Historically, Rapid City has granted a lot of latitude in enforcement of its ordinances during this time of the year. Second substitute motion was made by Partridge and seconded by Kriebel to approve the permit for August 1-10, 2003 only, and allow parking in the loading zone area only. Upon vote being taken, the motion carried unanimously.

Motion was made by Hanks and seconded by Murphy to approve No. LF071603-08 – Travel Request for Ken Simmons and David R. Lepine to attend the 19<sup>th</sup> Annual Airport Conference in Rosemont, Illinois, from November 12-14, 2003, in the Approximate Sum of \$2,078. Airport Director Tory Richardson explained that staff will be attending 14 of the 35 different seminars held during this conference. The topics being covered are definitely relevant to location operations at the airport. Upon vote being taken, the motion carried unanimously.

The next item before the Council was No. 03TI007, **Resolution Creating Tax Increment District No. 41** on the following property: Government Lot 1 & 2 less Lot H1 in the SW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and NW1/4 NW1/4; and, SE1/4 NW1/4 less the West 460 feet of the South 990 feet less Lot H1; and, SW1/4 NW1/4 less the South 990 feet; and, SE1/4 NE1/4; and, SW1/4 NE1/4; and, NE1/4 NW1/4; and, N1/2NE1/4 less NE1/4 NW1/4 NE1/4 and Less NW1/4 NE1/4 NE1/4, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, SW1/4 SW1/4 SE1/4; and, N1/2 SW1/4 SE1/4; and, the unplatted balance of the E1/2 NW1/4 SE1/4; and, the unplatted balance of the SW1/4NW1/4SE1/4; and the 100 foot dedicated 5<sup>th</sup> Street Right-of-way lying adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4; and, the platted 60 foot Minnesota Street Right-of-way adjacent to Lot 1 of Block 1, Terracita Park Subdivision as shown on Plat 30 Page 109; and, the platted 80 foot Minnesota Street Right-of-way as shown on Plat 29 Page 117 adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4 and adjacent to the Unplatted balance of the E1/2NW1/4SE1/4 and adjacent to Tract B; all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and dedicated ROW, Block 11, Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Catron Boulevard, west of SD Highway 79 and east of US Highway 16. City Attorney Jason Green stated that it is the opinion of the City Attorney's Office that the statutory prerequisite of 25% of land being blighted in the tax increment district is not satisfied in this case. Substitute motion was made by Hadley and seconded by Kooiker to amend the boundaries of the Tax Increment District to include the Talley property and the affected right-of-way located along Parkview Drive, as recommended by the Planning Director. Elkins explained that if additional property is included in the TID, it gives the City the option to fund these costs. However, the city would not be required to do so. Those are decisions that can be made in the future. Kriebel noted that no additional revenue will be generated by the Talley property, therefore, no additional funds will be available in the TID as result of including them within the TID boundaries. Upon vote being taken, the motion to amend carried with Kriebel voting no. Substitute motion was made by Kooiker and seconded by Kroeger to amend the boundaries of the TID to include the Enger

property. Upon vote being taken, the motion carried unanimously. The motion before the Council at this time is to approve the Resolution Creating Tax Increment District No. 41, with the amended boundaries (Talley and Enger property). The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

The next item discussed by the Council was No. 03TI008, a request by Dream Design International, Inc. for a **Tax Increment District No. 41** - Project Plan on the following property: Government Lot 1 & 2 less Lot H1 in the SW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and NW1/4 NW1/4; and, SE1/4 NW1/4 less the West 460 feet of the South 990 feet less Lot H1; and, SW1/4 NW1/4 less the South 990 feet; and, SE1/4NE1/4; and, SW1/4 NE1/4; and, NE1/4 NW1/4; and, N1/2 NE1/4 less NE1/4 NW1/4 NE1/4 and Less NW1/4 NE1/4 NE1/4, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, SW1/4 SW1/4 SE1/4; and, N1/2 SW1/4 SE1/4; and, the unplatted balance of the E1/2 NW1/4 SE1/4; and, the unplatted balance of the SW1/4 NW1/4 SE1/4; and the 100 foot dedicated 5th Street Right-of-way lying adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4 SE1/4; and, the platted 60 foot Minnesota Street Right-of-way adjacent to Lot 1 of Block 1, Terracita Park Subdivision as shown on Plat 30 Page 109; and, the platted 80 foot Minnesota Street Right-of-way as shown on Plat 29 Page 117 adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4 SE1/4 and adjacent to the Unplatted balance of the E1/2 NW1/4 SE1/4 and adjacent to Tract B; all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and dedicated ROW, Block 11, Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Catron Boulevard, west of SD Highway 79 and east of US Highway 16. Motion was made by Hanks and seconded by Rodriguez to approve the Resolution Approving the Project Plan for Tax Increment District No. 41. Planning Director Elkins explained that if the Council wants to include the Talley and Enger property, a dollar amount should be specified and the Plan should be amended. This is a policy decision which must be made by the Council based on what they would like to do. If the Talley's assessment is approximately \$76,000, Elkins suggested adding an additional \$45,000 to the Plan which would cover cost-sharing a portion of this project on the Talley and Enger properties. Kroeger expressed concern that, to be fair, if the City adds these two properties to the tax increment district, we should add the other properties involved with this project. Elkins stated that she is not aware that the council has taken action to include an assessed project with a TIF prior to this. She added that an amendment to the Project Plan does not commit the City to moving forward; it only provides the option. The City is not required to spend the money or enter into any type of agreement with the property owners. This decision would have to be made prior to action on the final assessment roll for the project. Substitute motion was made by Hadley and seconded by Waugh to amend the Project Plan to include \$45,000 for project costs associated with inclusion of the Talley and Enger properties in the Tax Increment District. Kriebel stated that is a great deal of disparity in the cost per acre of the proposed assessments for properties included in this TID. Roll call vote was taken: AYE: French, Kooiker, Waugh, Hadley, Kriebel, and Partridge; NO: Hanks, Murphy, Rodriguez and Kroeger. Motion to amend carried, 6-4. Hanks expressed concern that no research has been done on the dollar amount that was added to the Plan. Substitute motion was made by Hanks and seconded by Kooiker to continue this item until August 4, 2003. Kooiker asked about the computation of these costs on a per acre basis. Elkins suggested that this discussion be held at a future meeting because it is a separate item from the Resolution on the Agenda tonight. Substitute motion was made by Hanks and seconded by Kooiker to continue this item until August 4, 2003 and request that staff determine the per acre allocation rather than frontage and share this information with the applicants. Hanks accepted an amendment to his motion to continue this item to a special council meeting to be held on Tuesday, July 29<sup>th</sup> prior to the Public Works Committee meeting. Hadley spoke against the motion noting that the Council can decide on what portions of the project to pay with TID funds in the future. Upon vote being taken, the substitute motion failed with Murphy voting AYE. Roll call vote was taken on

the original motion to approve the Resolution Approving the Project Plan for TID 41, as amended: AYE: French, Kooiker, Rodriguez, Waugh, Hadley, Kriebel and Partridge; NO: Hanks, Murphy and Kroeger. Motion carried, 7-3.

Motion was made by Kooiker, seconded by Hanks and carried to award the bid for **Parkview Drive Extension Project ST03-1006** to RCS Construction, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$648,106.85.

The next item discussed by the Council was the bid award for **surplus refuse trucks**. Acting Public Works Director Vore recommended that Units 1, 3, 5 and 16 be sold to Kiefer Sanitation for their total bid price of \$47,550; and Unit 7 be sold to Erickson Trucks for their total bid amount of \$5,307.66. Motion was made by Hanks and seconded by Waugh to approve the bid award as recommended above. Kooiker spoke against selling these vehicles for the bid prices. He encouraged staff to clean up the vehicles before they are displayed for prospective bidders. Roll call vote was taken: AYE: Murphy, Rodriguez, Waugh, Kroeger and Partridge; NO: Hanks, French, Kooiker, Hadley and Kriebel. Motion failed due to a tie vote. Motion was made by Hanks and seconded by Kooiker to reject all bids. Substitute motion was made by Rodriguez, seconded by Kooiker and carried to reject all bids for surplus refuse trucks and request that staff clean up the trucks and offer them for sale on a regional basis. Upon vote being taken, the substitute motion carried unanimously.

Motion was made by Hanks and seconded by Murphy to authorize Mayor and Finance Officer to sign contract with Jump Ease, Inc. for purchase of a **harness at the skating rink**. Substitute motion was made by Kroeger and seconded by French to table this item. Upon vote being taken, the motion carried with Partridge voting NO.

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

Motion was made by Kroeger, seconded by Murphy and carried to approve No. PW071503-03 – Change Order No. 01 for **Knollwood Detention Pond** Element 310 Project DR00-902 to RCS Construction, Inc. for an increase of \$84,552.40.

Motion was made by Kroeger and seconded by Partridge to approve No. PW070103-12 – Authorize Mayor and Finance Officer to sign Amendment No. 02 to Professional Service Agreement with Ferber Engineering to Design ST03-1006, **Parkview Drive Extension Project** for an amount not to exceed \$7,420. Upon vote being taken, the motion carried with Kooiker and Hadley voting no.

Motion was made by Kroeger, seconded by Rodriguez and carried to approve No. PW070103-14 – Authorize Mayor and Finance Officer to sign Amendment No. 02 to Professional Service Agreement with Kadrmass, Lee & Jackson to Design ST02-1189, **North LaCrosse/East Anamosa Intersection Improvements** for an amount not to exceed \$10,408.

Motion was made by Kooiker and seconded by Rodriguez to approve No. PW070103-15 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with Alliance of Architects and Engineers to Design WRF02-1195, **Water Reclamation Facility Waterline** for an amount not to exceed \$34,785. Upon vote being taken, the motion carried with Hadley voting no.

Motion was made by Rodriguez, seconded by Waugh and carried to approve No. PW070103-16 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with Kadrmass, Lee & Jackson, Inc. to Design SSW02-1242, **Haines Avenue North – Northridge Drive to Viking Drive**, for an amount not to exceed \$10,370.22.

The next item discussed by the Council was No. CC072103-04 - **Right-of-Way Agreement** – Harmony Heights Associates, LLP – to allow stone landscaping walls to remain (Harmony Heights Lane). Motion was made by Kooiker, seconded by Hadley and carried to continue this item to the next Public Works Committee meeting.

Motion was made by Kooiker, seconded by Waugh and carried to approve No. PW071503-10 – Authorize staff to advertise for bids for **Sheridan Lake Road and Sunset Vista Road Water Main Extension Project W00-947**.

Motion was made by Rodriguez and seconded by Waugh to approve No. PW071503-11 – Authorize staff to advertise for bids for **East St. Louis & Waterloo Water Main Reconstruction Project W01-1084**. Substitute motion as made by Rodriguez, seconded by Hadley and carried to continue this item until August 4, 2003.

Motion was made by Kooiker and seconded by Rodriguez to deny an **Impact Fee Waiver** at 2215 Oak Avenue, BBG&L, LLC. Acting Public Works Director Vore explained that the existing structure at this location will be demolished. There has been no water service at this location since 1993. Hadley noted that the owner of this property could have had the water turned on for one month and then disconnected. Since the property would have then had service, it would have received a waiver of the impact fee. Substitute motion was made by Hadley and seconded by Kooiker to continue this item for two weeks to give this property owner an opportunity to have the water turned on and avoid paying the impact fee. Roll call vote was taken: AYE: Hadley, Kooiker and Waugh; NO: Hanks, French, Murphy, Rodriguez, Kroeger, Kriebel and Partridge. Substitute motion failed, 3-7. Upon vote being taken, the original motion to deny the impact fee waiver carried with Hadley voting no.

**Approval of Bills**

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

Payroll Paid Ending 07-12-03, Paid 07-18-03	734,977.72
Payroll Paid Ending 07-12-03, Paid 07-18-03	933.92
Pioneer Bank, Taxes Paid 07-18-03	180,019.36
Pioneer Bank, Taxes Paid 07-18-03	71.45
First Administrators, claims Paid 7-09-03	56,044.53
First Administrators, claims Paid 7-16-03	51,218.07
Berkley Risk Administrators, Administrative fee	1,600.00
SD Department of Revenue, excise tax payable	325.37
SD Department of Revenue, June sales tax	29,412.38
SD Department of Revenue, June sales tax	13,019.20
BH Power & Light, electricity	30,577.64
MDU, gas service	667.57
US Postmaster, billing postage	3,300.00
Computer Bill List	<u>3,923,456.60</u>
Total	<u>\$5,025,623.81</u>
Payroll Paid Ending 07-12-03, Paid 07-18-03	2,601.46
Pioneer Bank, Taxes Paid 07-18-03	190.24
City of Rapid City, insurance	608.56
City of Rapid City, postage	13.51
Dakota Business Center, copier usage	9.52
Kristi Nelson, mileage	41.04
RC Area Schools, postage	58.79
Standard Life, insurance	7.92

Meeting of the City Council

July 21, 2003

Angie Weeks, mileage  
Total

36.00  
\$5,029,190.85

Treasurers Checks

Heavy Constructors  
Stanley Johnsen Concrete  
RCS Construction  
Total

3,881.80  
580.44  
84,552.40  
\$5,033,072.65

Executive Session

Motion was made by Partridge, seconded by Rodriguez and carried to go into executive session to discuss contractual matters.

The Council came out of executive session at 11:40 and no report was given.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:40 P.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_

Mayor

\_\_\_\_\_

Finance Officer

(SEAL)