

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

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, July 7, 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, Rick Kriebel and Jeff Partridge. The following Alderman arrived during the course of the meeting: None; and the following were absent: Bill Waugh, Martha Rodriguez, Ron Kroeger and Ray Hadley.

Staff members present included Finance Officer James Preston, Asst. 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.)

Approval of Minutes

Motion was made by Hanks, seconded by French and carried to **approve the minutes** of June 16 and July 2, 2003.

Adoption of Agenda

Requests were made to add the following items to the agenda:

Items from Mayor
--Personnel Issue

Items from Council Members
--Next Council Meeting
--New Media System
--Proposed State Prison at Rapid City Landfill
--CIP Bylaws
--Travel Policy
--TIF Districts and Mill Levy

Motion was made by Hanks, seconded by Partridge and carried to adopt the agenda, as amended.

Bid Openings

The following companies submitted bids for No. CC070703-01 – Surplus Property Sale of eight **Used Refuse Trucks** which were opened on June 25, 2003: 1) Erickson Trucks and 2) Kieffer Sanitation. Asst. City Attorney Jason Green explained that the sale of city property requires approval of two-thirds of the City Council. Since there are only six members in attendance, he recommended that this item be continued. Motion was made by Partridge, seconded by Kooiker and carried to continue this bid award to the Council meeting on July 21, 2003.

The following companies submitted bids for No. CC070703-02 – **Sodium Chloride** for the Street Division, which were opened on June 26, 2003: 1) Tri-State Commodities, Inc.; 2) Nebraska Salt & Grain, and 3) Zieg Trucking Company. Staff has reviewed the bids and recommends award to Nebraska Salt. Motion was made by Partridge, seconded by Murphy and carried to award the bid for Sodium Chloride to Nebraska Salt & Grain, the lowest responsible bidder meeting specifications, based on their low unit price bid of \$40.96 per ton and authorize the extension of the contract for 2004, 2005 and 2006.

The following companies submitted bids for No. CC070703-02 – One New Current Model Year **Landfill Trash Compactor** for the Solid Waste Operations Division which were opened on June 26, 2003: 1) Sheehan Mack Sales; 2) Butler Machinery Company and 3) Al-jon, Inc. Staff has reviewed the bids and recommends award to Sheehan Mack Sales for the net bid amount. Motion was made by French and seconded by Partridge to discuss this item. Kooiker stated that the city has a 1984 model that serves as the backup for the main compactor. Under the current bid specs, the trade-in is a 1998 model which could be refurbished for less than the purchase of a new machine. Kooiker asked why the City would consider trading in the 1998 model rather than the 1994 if the goal is to have a reliable backup. Landfill Superintendent Jerry Wright explained that the 1994 model was rebuilt in 2000 to be used as a backup for the main compactor. Because the investment was made in the 1994 model, staff decided that it should be kept and the 1998 model traded in on a new machine. Staff also recommended that a new machine be purchased rather than the current one rehabbed. The reason for the decision is that the compactor is the number one machine in disposal and processing of waste at the landfill. This machine works six days a week, 52 weeks per year. It is imperative that a dependable machine be available at the landfill. Partridge asked if the machine would be dependable if it was rehabbed. Wright explained that the cost to rehab the compactor is approximately \$165,000 which does not include possible structural problems with the compactor. The machine would then have a thirty day warranty on labor and six months on parts. The new machine would have a one year unlimited warranty and five years on the drive train and engine. His intuitive feeling, based on the way this particular machine is used, is to purchase a new machine. French suggested that the 1994 model be traded-in and the new model be kept as the backup. Wright reiterated that a considerable investment was made in the 1994 model in FY2000. Also, the bid specs listed the 1998 machine as the trade. If that is changed, the bids will have to be rejected and the equipment rebid. Motion was made by Murphy and seconded by Hanks to award the bid for One New Current Model Year **Landfill Trash Compactor** for the Solid Waste Operations Division to Sheehan Mack Sales, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for the net bid amount of \$348,210. French stated that she would not support the motion unless the older machine was traded in and the 1998 model kept as the backup. Roll call vote was taken: AYE: Hanks, Kriebel and Murphy; NO: French, Kooiker and Partridge. Motion failed because of a tie vote. Motion was made by Hanks, seconded by Murphy and carried to continue this item to the next Public Works Committee meeting for review and recommendation.

The following companies submitted bids for **Dyess Avenue Water System Construction** Project No. W99-845 which were opened on July 2, 2003: 1) Lind-Exco, Inc.; 2) Hills Materials Company; 3) Heavy Constructors; 4) Mainline Contracting; 5) RCS Construction; and 6) Quinn Construction. Staff has reviewed the bids and recommends award to Heavy Constructors. Kooiker asked if staff expected any change orders on this project. Asst. Public Works Director Ted Vore stated that, at this time, staff does not expect change orders. However, there almost always are with projects such as this. Vore added that these were very competent bidders and he feels the prices given were very fair. Motion was made by Hanks, seconded by Murphy and carried to award the bid for W99-845 to Heavy Constructors, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$552,990.65.

The following companies submitted bids for **Water Metering and Backflow Prevention** of Irrigation System Project No. W03-1276 which were opened on July 2, 2003: 1) Action Mechanical. Staff has reviewed the bid and recommends award. Motion was made by Hanks, seconded by French and carried to award the bid for W03-1276, the only bidder, in the total contract amount of \$30,000.

Items from the Mayor

Mayor Shaw presented the **Citizen of the Month Award** to Marian Reed and commended her for outstanding volunteer service to the community.

Project Engineer Rod Johnson updated the Council on the 2012 projects currently under construction.

Mayor Shaw reported that he terminated the employment of Public Works Director Dan Bjerke without cause, effective Monday, July 7, 2003. He added that the Mayor has the prerogative to re-appointment department heads and he determined that it would be in the best interests of the city not to re-appoint Mr. Bjerke. Asst. Public Works Director Ted Vore will serve as acting Public Works Director.

Items from Council Members

French expressed concern about transporting equipment needed for Council meetings to the new Community Center for the July 21st City Council Meeting. She suggested that the meeting be held in the City/School Administration Center. Hanks stated that the only equipment to be moved is the VCR system and the cameras which can be put in the back of a pickup with very little trouble. Asst. City Attorney Green also reported that legal notices have been published giving notice that the July 21st Council meeting will be held at the West Middle School location. No action was taken.

Regarding the **New Media System** being installed in the Council Chambers, French noted that the Fire Department has been graciously taking on the responsibility of filming the Council meetings and all other tasks that go with it. French suggested that a paid position be established for this job. Fire Chief Shepherd stated that when the Council Chambers is remodeled and the new equipment installed, it will go to a new level of technology. Perhaps an individual can be hired part-time to film the meetings, do basic maintenance on the equipment and dub tapes. Shaw recommended that this issue be discussed during the budget discussions scheduled for August, 2003. Kooiker also suggested that the city consider providing closed captioning of the council meetings. Motion was made by Kooiker and seconded by French to bring the issue of closed captioning and the general council chambers update to the next Legal & Finance Committee meeting for discussion. Hanks added that the Police Department has a multi-media person and perhaps this position can be expanded to include the duties of filming council meetings. Upon vote being taken, the motion carried unanimously.

Hanks asked about the proposed State Prison to be located at the Rapid City Landfill. Superintendent Jerry Wright reported that methane gas was found at the proposed location and everyone involved with the project has recommended that the **minimum security prison** not be built at this location. Wright added that the State is looking for another location in the Rapid City area.

The next item discussed by the Council was **CIP Committee Operating Procedures**. Motion was made by Kriebel and seconded by Kooiker that the Operating Procedures be changed as follows: Strike the wording from the CIP Operating Procedures that allow the committee to move projects around within the first three years of the plan. Kriebel stated that the intent of this action is that when the projects are moved around, this action should come to the Council

for final approval. Asst. City Attorney Green noted that this item was continued by the Legal & Finance Committee to the Council meeting on July 21, 2003. Kriebel stated that he doesn't feel it is right that the CIP Committee can move projects around without approval of the Council. Hanks stated that CIP is only a recommending body; they cannot spend money. Anytime money is spent on a project, it must be approved by a majority of the City Council. However, by its rules, the CIP committee can re-prioritize projects based on funding availability, design status, and a host of other issues that come up. Hanks added that he thinks it is appropriate for the Chairman of the CIP Committee to report any changes to the Council. Substitute motion was made by Partridge and seconded by Kriebel that any items that will be acted upon in the CIP Committee will be presented to the Legal & Finance Committee. Partridge explained that the intent of his motion is to have a report of the actions taken by the CIP Committee presented at the L&F meeting. Hanks stated that he supports this action. Partridge clarified that the Chairman of the CIP would place on the L&F agenda a report of the actions to be taken at their meeting. Hanks noted that the report would have to come after the CIP meeting. He added that he supports a report from the CIP Committee on any change in priority for any project. If the Council determines there is a need, they would be able to take action. Theoretically, it would be a report as long as there is no disagreement at the Legal & Finance Committee. Hanks noted that there is a difference between reporting out of committee and referring things to committee for action. Partridge stated that his motion would be for the reporting out of committee. Kriebel stated that he feels all these actions should be approved by the City Council. Partridge stated that the intent of his motion is that the CIP Committee will report to the Legal & Finance Committee the actions it is proposing to take. The Legal & Finance Committee will act as a filter for these actions. If there is disagreement, then the L&F Committee can take an action that would be forwarded to the City Council. Upon vote being taken, the motion carried unanimously.

Kooiker stated that the City's current **travel policy** states that if expenses for travel or training exceed \$1,500 per person, then it must be approved by the City Council. Kooiker suggested that the policy be amended to state "per person or event". This will require council approval for all travel in excess of \$1,500. Motion was made by Kooiker and seconded by Hanks to amend the travel policy so that council approval is required for expenditures over \$1,500 per person or event. Upon vote being taken, the motion carried unanimously.

Motion was made by Kooiker and seconded by Kriebel to put "**TIF Districts and Mill Levy**" on the next Legal & Finance Committee meeting agenda for further discussion. Partridge asked what the Council would do with this item. Kooiker stated that this would provide a time for staff to present information and for the item to be discussed. Upon vote being taken, the motion carried with Partridge voting no.

Continued Items Consent Calendar

The following items were removed from the Continued Items Consent Calendar:

17. No. 03PL030 - A request by Renner & Sperlich Engineering Co. for Gordon Howie for a **Layout, Preliminary and 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.
31. No. 03PL065 - A request by Centerline, Inc. for Heartland Development Group LLC for a **Final Plat** on Lots 6 and 7 in Block 1; and, Lot 1 in Block 3, Northstar Subdivision located in the NE1/4 NE1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 NE1/4 of Section 29, T2N, R8E,

BHM, Rapid City, Pennington County, South Dakota, located southwest of Seger Drive and Dyess Avenue.

Motion was made by Hanks, seconded by French and carried to Continue the following items until July 21, 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.
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 at 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.
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.
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.

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.
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.
32. 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.
33. 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.
34. 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.
35. 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.

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.
37. No. 03VR004 - A request by South Dakota 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.
38. 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.

End of Continued Items Consent Calendar

The Mayor presented No. 03PL030, a request by Renner & Sperlich Engineering Co. for Gordon Howie for a **Layout, Preliminary and 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. Motion was made by Hanks, seconded by French and carried to approve the Layout & Preliminary Plat with the following stipulations, and continue the final plat until July 21, 2003: 1) Prior to Preliminary Plat approval by the City Council, the drainage plan shall be revised as necessary to address City Engineering comments and submitted for review and approval. In addition, the plat document shall be revised to provide a drainage easement between Lots 23 and 24 of Block 15. In addition, the drainage plan shall demonstrate that no utilities will exist within Major Drainage easement(s); 2) Prior to Preliminary Plat approval by the City Council, the water plans shall be revised as necessary to address City Engineering comments and submitted for review and approval. In particular, the water line crossing at Mercury Street shall be revised as red lined on the construction plans; 3) Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Lot 24, Block 15 as it abuts Shad Street and along the first 50 feet of Cabbot Court, along Lot 17, Block 15 as it abuts Cabbot Court and the first fifty feet of Mercury Drive and along Lot 28 and Lot 29, Block 14 except for the approved approach location(s); 4) Prior to Final Plat approval by the City Council, the Rapid Valley Sanitary District shall review and approve the water and sewer plans; 5. Prior to Final Plat approval by the City Council, a different road name for Cabbot Court shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved road name; 6) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 7) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.

The Mayor presented No. 03PL065, a request by Centerline, Inc. for Heartland Development Group LLC for a **Final Plat** on Lots 6 and 7 in Block 1; and, Lot 1 in Block 3, Northstar Subdivision located in the NE1/4 NE1/4 of Section 29, T2N, R8E, BHM, Rapid City,

Pennington County, South Dakota, legally described as NE1/4 NE1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of Seger Drive and Dyess Avenue. Phil Olsen requested that the Council approve this plat tonight. The Preliminary Plat and Construction plans for this development were approved in January 2001. The owners were under the impression there would be an assessed water project which did not come to fruition. Earlier in the meeting the City Council awarded the bid for the Dyess Avenue water system which will provide water for this project. Olson stated that it is his understanding that hookup fees will be paid at the time of hookup to the water system and he agrees with this method. Planning Director Marcia Elkins noted that the hookup resolution has not been prepared or approved. However, since the applicant is on record as having no objection to hookup fees, she indicated that the plat could be approved at this time. The following Resolution was introduced, read and Partridge moved its adoption with the stipulations outlined on the Planning Department staff report, less Stipulation No. 2, with the understanding that hookup fees will be paid when these properties hook up to the water system:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Northstar Subdivision: Plat of Lots 6 and 7 in Block 1, and Lot 1 in Block 3, formerly a portion of Lot D of NE1/4 of Section 29, located in NE1/4 NE1/4 of Section 29, T2N, R8E, 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 Northstar Subdivision: Plat of Lots 6 and 7 in Block 1, and Lot 1 in Block 3, formerly a portion of Lot D of NE1/4 of Section 29, located in NE1/4 NE1/4 of Section 29, T2N, R8E, 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 7th 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 French. The following voted AYE: Hanks, French, Murphy, Kooiker, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

Alcoholic Beverage License Applications

This was the time set for hearing on the application of Red Rock Golf Club, LLC dba **Red Rock Golf Club**, 6520 Birkdale Drive, for an On-Sale Wine License (New License – No Video Lottery). Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Kelly’s Sports Lounge II, Inc. dba **Harold’s Prime Rib/Kelly’s Sports Lounge**, 318-320 East Boulevard, for an On Sale Liquor

License Transfer (from Harold's Prime Rib, Inc.). Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of the Rapid City Fine Arts Council, Inc. dba **Dahl Fine Arts Center**, 713 Seventh Street, for a Special Malt Beverage License to be used on July 12, 2003. Upon motion made by Hank, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Rapid City Fine Arts Council, Inc. dba **Dahl Fine Arts Center**, 713 Seventh Street, for a Special Wine License to be used on July 12, 2003. Upon motion made by Hank, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Rapid City Fine Arts Council, Inc. dba **Dahl Fine Arts Center**, 713 Seventh Street, for a Special Malt Beverage License to be used on July 25, 2003. Upon motion made by Hank, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Rapid City Fine Arts Council, Inc. dba **Dahl Fine Arts Center**, 713 Seventh Street, for a Special Wine License to be used on July 25, 2003. Upon motion made by Hank, seconded by Murphy and carried, the Council approved the application.

Motion was made by Hank, seconded by French and carried to table the application of Keith Watson and Rory Schoenheider dba **Red's Savoy Pizza**, 510 St. Joseph Street, for an On-Off Sale Malt Beverage License Renewal.

Motion was made by Hanks, seconded by French and carried to table the application of Mary Jane Freimark dba **The Embers**, 5412 S. Highway 16, for an On-Off Sale Malt Beverage License Renewal.

Upon motion made by Hanks, seconded by French and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, July 21, 2003:

47. Noon Optimist Club of Rapid City, Special Malt Beverage License to be used on August 2, 2003 at the corner of 6th & Main Street
48. Thomas Janklow dba **The Liquor Store**, 1925 W. Main Street, Suite 3, for an Off-Sale Liquor License (New License – No Video Lottery)

Consent Calendar Items – 49-91

The following items were removed from the Consent Calendar:

55. No. PW070103-06 – Authorize staff to advertise for bids for ST03-1006, Parkview Drive Extension Project.
58. No. PW070103-09 – Authorize Mayor and Finance Officer to sign Application and Agreement for Electric Service Extension with Black Hills Power and Light Company for ST03-1252, Pedestrian Crossing Cathedral Drive Project.
61. No. PW070103-13 – Authorize Mayor and Finance Officer to sign Professional Service Agreement with RESPEC for Contaminated Soil Testing for SSW02-1106, Omaha Street Utilities Project – 12th Street to East Boulevard for an amount not to exceed \$10,148.
62. No. PW070103-16 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with Kadrmas, Lee & Jackson, Inc. to Design

- SSW02-1242, Haines Avenue North - Northridge Drive to Viking Drive for an amount not to exceed \$10,370.22.
64. Request staff to mill and overlay the Elm Street/St. Patrick Street intersection for an estimated repair cost of \$15,500.
71. Approve the Mayor's appointment of the following individual to the Impact Fee Committee: Janette McIntyre, Bill Freytag, Hani Shafai, Bill Waugh, Alan Hanks, Jeff Partridge, and Dan Bjerke. This will be a standing committee for 90 days.

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

Public Works Committee Consent Items

49. Approve installation of curbside sidewalk on Alta Vista adjacent to West Hills Village, Pat Tlustos.
50. No. PW070103-01 – Approve the Encroachment into right-of-way for stone landscaping wall on Harmony Heights Lane, Harmony Heights Associates LLP; with the an agreement to be drafted by the City Attorney's Office, and to bring that agreement forward at the July 21, 2003 Council proceedings.
51. No. PW070103-02 – Approve the bid award of PR03-1275, Parks Miscellaneous Improvements Project to the lowest responsible bidder meeting specifications, Patino Construction Services for the low unit prices bid for a total contract amount of \$39,374.
52. No. PW070103-03 – Approve Change Order No. 02 for SS02-954, Hawthorne Avenue Street and Utilities Reconstruction Project, Phase 2 to Heavy Constructors, Inc. for a decrease of \$201.96.
53. No. PW070103-04 – Approve Change Order No. B01 for PR02-1208, Roosevelt Park Pool Complex to RCS Construction for a decrease of \$9,979.
54. No. PW070103-05 – Approve Change Order No. 01F for STCM03-1295, 2003 Edge Milling Project to Hills Materials Company for a decrease of \$580.80.
56. No. PW070103-07 – Authorize staff to advertise for bids for MIP03-1236, Miscellaneous Improvements Project.
57. No. PW070103-08 – Authorize Mayor and Finance Officer to sign Permanent Utility Easement with Black Hills Power, Inc. for new UG Powerline & Pad Mtd Equipment.
59. No. PW070103-10 – Authorize Mayor and Finance Officer to sign Dakota, Minnesota & Eastern Railroad Corporation License Agreement #91404 for 16" water line on Elk Vale Road.
60. No. PW070103-11 – Authorize Mayor and Finance Officer to sign South Dakota Department of Transportation Right of Entry Agreement on Parcel 9A for Southeast Connector Project No. NH 0235(1)0 Pennington #3151.
63. Approve credit for existing water service at 350 Elk Street, Behavior Management Systems, Inc.
65. No. PW070103-17 – Approve an Initial Resolution setting time and place for hearing on August 4, 2003 for SS01-1061, Heidiway Lane Sanitary Sewer Extension Project.

INITIAL RESOLUTION FOR
HEIDIWAY LANE SANITARY SEWER EXTENSION PROJECT NO. SS01-1061

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

1. This Council deems it necessary to improve by constructing approximately 1,350 linear feet of 8" sanitary sewer main located along Sheridan Lake Road at the intersection with Heidiway Lane, as outlined in the proposed Resolution of Necessity for Heidiway Lane Sanitary Sewer Extension Project SS01-1061, which is on file with the Finance Officer. Approximately \$44,476 of the projects costs for such

improvements will be assessed to the affected property owners on an equal benefit basis.

2. This Council will meet at the City/School Administration Center in the City of Rapid City, South Dakota, on Monday the 4th day of August, 2003 at 7:00 P.M. for the purpose of considering any objections to such proposed Resolution of Necessity. The Finance Officer is directed to give notice of such meeting by publishing the time and place of such meeting once each week for two successive weeks in the official newspaper of the City.

Dated this 14th day of July, 2003.

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

- 66. No. PW070103-18 – Approve the Park & Recreation Subcommittee recommendation that the Robbinsdale Park Fairmont Street yard waste site be identified as the only site of adequate size for the bicycle/skate park facility and to acknowledge that the site development costs are unknown and possibly cost prohibitive and that based on that evaluation the recommendation of the Parks & Recreation Committee is to make the donated equipment available to communities or organizations in the immediate Rapid City vicinity if that facility would also serve the interests of the citizens of Rapid City.
- 67. No. 03TP003 – Approve 2004 – 2008 Final Draft Transportation Improvement Program.
- 68. Approve Impact Fee Waiver at 4810 Horse Creek Road, David & Paula Herrera.

Legal & Finance Committee Consent Items

- 69. Take the capital development fee ordinance to the Ordinance Review Committee to add the appropriate language so that the Council at their discretion can grant a waiver of these fees.
- 70. No LF070203-01 - Authorize Mayor and Finance Officer to sign the Award of Allocation for Historical Preservation by City of Rapid City Project Number 46-03-020 in the amount of \$4,500 and the Certified Assurances Historic Preservation Program.
- 72. Approve the Mayor's appointment of the following individuals to the Historic Preservation Board: Jean Kessloff and Pat Roseland.
- 73. Approve the Mayor's appointment of the following individuals to the Downtown Historic Sign Review Committee: Brian Peterson and Norm Nelson.
- 74. Approve the Mayor's appointment of Stan Petrik to the EMSOC Committee.
- 75. Authorize staff to apply for grant for the Homeland Security Overtime Program (Federal government to pay up to \$100,000 for police overtime relating to homeland security at a 75/25 percentage match rate).
- 76. Authorize staff to hire three additional full time police officers.
- 77. No. 03AN009 – Authorize Mayor and Finance Officer to sign Petition for Annexation – Airport.
- 78. No. 686 - Approve request by the City of Rapid City for the Dissolution of Tax Increment District #10 on property described by metes and bounds as beginning at the southeast corner of the North Street and 5th Street intersection; thence east 2247.29 feet along the south side of the North Street right-of-way to the northeast corner of Tract A; thence south along the east side of Tract A 518.27 feet to the north side of the Chicago Northwestern Railroad right-of-way; thence southwest along railroad right-of-way; thence southwest along the railroad right-of-way approximately 1139.76 feet to the south right-of-way line of New York Street to the east right-of-way line of 5th Street; thence north 1215.13 feet along the east right-of-way line of 5th Street to the

- Point of Beginning. Also to be include are Lot ER of the Original Townsite and that portion of Tract 24 of the Greenway Tracts lying north of Rapid Creek, all located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Rapid Creek, south of North Street, west of East Boulevard and east of Fifth Street, plus the Civic Center parking lot.
79. Request Pennington County transfer tax deed property located west of West Boulevard against the ridge line to the City. This land is necessary for a detention facility.
 80. Request Pennington County transfer tax deed property located off Palo Verde Drive to the City. This land is necessary for the water storage reservoir.
 81. No. LF070203-09 – Acknowledge the report from the Finance Officer on the number of malt beverage licenses available for video lottery.
 82. No. LF061103-12R – Authorize Mayor and Finance Officer to sign Agreement with Robert Grimm and Donald Grimm.
 83. Request staff to set a hearing on revocation of Pettyjohn Housemoving license for August 4, 2003, and to so notify Mr. Pettyjohn.
 84. No. LF070203-10 – Approve the following Abatement/Refund: Daniel L. Ostendorf, 2000, \$449.10; Daniel L. Ostendorf, 2001, \$435.76; Approve the Following Abatement: Daniel L. Ostendorf, 2002, \$461.60.
 85. Approve the following Licenses: Central Station Service: All-Guard Alarm Systems, Inc., dba Grand Central Station, Denis Cooke; Electrical Apprentice: Chad R. Afrank, Jeff Christensen, Steve House, Aaron Myers, Brian Whiteaker; Journeyman Electrician: William Parradis; Master Electrician: Curtis Beatty; Residential Contractor: Lantis Construction, Mark Lantis; Select Construction, Jeremy Muth; Sewer & Water Installer Journeyman: James Lester, Ronnie Moross; Trenching Journeyman: Marcus Cleberg, John Cooper, Nicholas Derby, Jesse Lilleskov, Rachael Moore, Justin Haider

Raffle

86. No. CC070703-03 – Notification from Muscular Dystrophy Association of their intent to conduct a raffle August 2nd through August 9th, 2003.

Planning Department Consent Items

87. No. 03AN007 – Approve the request by Davis Engineering, Inc. for Verlyn and Cindy Bourne for a Petition for Annexation located at 5511 Hidden Valley Lane.

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 2.7 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota

Dated this 7th day of July, 2003.

CITY OF RAPID CITY

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

s/ Jim Shaw, Mayor

88. No. 02PL129 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 thru 23, MJK Subdivision, located in the NW1/4 of the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the balance of Parcel B MJK Subdivision less the Meadows Subdivision and less right-of-way, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Preakness Street between Field View Drive and the Truck Bypass. (DENY WITHOUT PREJUDICE)
89. No. 03PL059 - A request by Dream Design International for Doyle Estes (DTH LLC) for a **Final Plat** on Lots 1-15 and Outlot C, Block 2; Lots 1-5 and Lots 8-12, Block 3; Lots 18-29 and Outlot B, Block 4, Northbrook Village, all located in the SE1/4 SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SE1/4 SE1/4 less Northbrook Village and Less Right-Of-Way, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Viking Drive, Titan Drive and Milehigh Avenue. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Prior to Final Plat approval by the City Council, the applicant shall finalize an agreement with the City for upgrades to the sanitary sewer lift station; 2) Prior to Final Plat approval by the City Council, West Nike Road shall be constructed with curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code or a Variance to the Subdivision Regulations shall be obtained; 3) All Uniform Fire Codes shall be continually met; 4) Prior to Final Plat approval by the City Council, a subdivision cost estimate form shall be submitted for review and approval; and, 5) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.)
90. No. 03PL061 - A request by Richard and Gladys Bray for a **Layout Plat** on Lots A and B of Lot 3, Feay Reder Subdivision, located in the NE1/4 Section 36, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot B of Lot 3, Feay Reder Subdivision located in the NE1/4 Section 36, T1N, R6E, BHM, Pennington County, South Dakota, located at 9470 Sheridan Lake Road. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show a drainfield easement for the existing and proposed drainfield and a reserve drainfield easement for the future location of a replacement drainfield on each lot; 2) Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be submitted for review and approval. In addition, the plat document shall be revised to show the location of the community well system. If the well is to be used as a community water source for the two proposed lots, then a well agreement shall be submitted for review and approval and the applicant shall demonstrate that the well provides adequate domestic water flows; 3) Upon submittal of a Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb, gutter, street light conduit, sidewalk and pavement improvements for all adjacent roadways; 4) Upon submittal of a Preliminary Plat, a complete drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to

show drainage easements as needed; 5) Upon submittal of a Preliminary Plat, road construction plans for Sheridan Lake Road shall be submitted for review and approval. In particular, an additional 17 feet of right-of-way shall be dedicated for that portion of Sheridan Lake Road that abuts the subject property. In addition, the road shall be constructed as a principal arterial street with curb, gutter, sidewalk, street light conduit, water sewer or a Variance to the Subdivision Regulations shall be obtained; 6) The applicant shall verify that there is 25 feet of separation between the existing water line and the proposed septic tanks and reserved drainfield; 7) The applicant shall construct the section line highway or obtain a Variance to the Subdivision standards; 8) Upon submittal of a Preliminary Plat, the applicant shall submit a plat showing the elimination of one of the two approaches and shall submit a plat showing one approach with a shared access easement no more than 40 feet wide by 40 feet deep, or a special exception shall be obtained for the two approaches and an approach permit shall be obtained from the County Highway Department; 9) The Preliminary Plat shall show all approaches on adjacent properties; 10) Prior to Final 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.)

91. No. 03PL062 - A request by Clayton Willhite for a **Layout Plat** on Lot 26, Block 1, Autumn Hills Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4935 Springtree Court. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon Preliminary Plat submittal, topographic information shall be submitted for review and approval. In addition, a structural site plan showing all existing development shall be submitted for review and approval. The site plan shall also show one approach serving as access to the subject property and one water and/or sewer line to the proposed lot; 2) Upon Preliminary Plat submittal, a plat document shall be submitted identifying all easement location(s). In addition, the applicant shall demonstrate that the existing easements are sufficient for all utilities and drainage; 3) Upon Preliminary Plat submittal, the access easement to be located along the north lot line shall be increased from eight feet in width to 20 feet in width. In addition, road construction plans showing the installation of curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the access easement shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; or Outlot G shall be reconfigured into a flagpole lot providing a minimum lot width of 25 feet as it abuts Springtree Court; 4) Upon Preliminary Plat submittal, a plat document shall be submitted for review and approval showing the adjacent right-of-way, Springtree Court. In addition, road construction plans showing the installation of curb, gutter, sidewalk and a minimum pavement width of 24 feet along Springtree Court shall be submitted for review and approval; 5) Upon Preliminary Plat approval, the plat document shall be revised to include the balance of Outlot G as a second lot; 6) Prior to Final Plat approval, the plat document shall be signed by all property owner(s). In addition, the remaining certificate titles shall be signed and notarized as necessary. In particular, the Treasurer's Office shall sign the plat document requiring that all taxes for the current year be paid as necessary; 7) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 8) 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.)

END OF CONSENT CALENDAR

The next item discussed by the Council was No. PW070103-06 – Authorize staff to advertise for bids for ST03-1006, **Parkview Drive Extension Project**. French stated that this item deals with property owned by Richard and Doreen Talley. She requested that their concerns

be addressed before this item is approved. Doreen Talley explained that they will not sign the necessary construction easements until they have received written response from the City. Motion was made by French and seconded by Kooiker to continue this item for two weeks or until everything has been done. Kooiker noted that an advertisement for bids for this project has already been published in the Rapid City. Hanks noted that the item before the Council at this time is only to advertise the project for bid. If we don't authorize staff to get bids, all that will do is backup the time table for the project. He concurred that the necessary information should be submitted to the Talley's. Dick Talley noted that some of the questions they have are items that will need to be addressed by the bidders. Vore noted that the bids are scheduled to be opened on July 17th and submitted to the Council on July 21st. He added that the engineers have stipulated all the bid requirements which we don't believe will change on this project. The design of this project is complete. Engineering Division Manager Randy Nelson explained that the issues that have been brought up are 1) the driveway entrance to the property (the plans for this item can be adjusted in the field, even during construction); 2) Regarding the well, there is an existing service line which needs to be brought to the general contractor's attention during the pre-bid conference if it is not already on the plans. The Talleys wish to maintain the line and it may be necessary to lower it. The decision on this item will be made in the field when the contractor finds out how deep it is. This is an adjustment that can easily be made. 3) There was a question on fill material that will be placed in the drainage easement and it will be compacted according to the standard specifications. 4) There was also a question on routing for pedestrian/handicapped traffic through the work site during the course of the project. This is an issue that will be addressed, but we don't have an answer for it right now. We do understand that it will have to be accommodated in some fashion. Nelson stated that if we prolong this project, it will add to the total project cost. He stated that he will provide these responses to the Talley's in writing. Kooiker moved the previous question. Roll call vote was taken: AYE: French, Kooiker and Partridge; NO: Hanks, Murphy and Kriebel. Motion failed because it required a two-thirds majority vote. Substitute motion was made by Hanks and seconded by Murphy to authorize staff to advertise for bids for this project. Kooiker urged the Council to delay action on this item in order to allow the Talley's to get the answers they are seeking. Vore stated that if the Council approves this action, the answers to the questions will be provided to the Talley's by the July 17th bid opening date. Roll call vote was taken on the motion to approve: AYE: Hanks, Murphy, French and Kriebel ; NO: Kooiker and Partridge. Motion carried, 4-2.

Motion was made by Hanks and seconded by Murphy to approve No. PW070103-09 – Authorize Mayor and Finance Officer to sign Application and Agreement for **Electric Service Extension** with Black Hills Power and Light Company for ST03-1252, Pedestrian Crossing Cathedral Drive Project. Kooiker stated that this project has gone from being a cross walk to a full blown intersection. Previously, the Council received information from staff that this location does not meet warrants, and it may post safety issues. He feels a mistake has been made to direct installation of this traffic signal. Partridge asked if this project could be stopped. Asst. City Attorney Jason Green explained that a contract has been signed for this project. In order to stop it, we would have to breach the contract which would result in the city paying a significant amount of money to the contractor. Hanks noted that the item on the agenda is to extend electrical service. Upon vote being taken, the motion carried with Kooiker voting no.

Motion was made by Hanks and seconded by Murphy to approve No. PW070103-13 – Authorize Mayor and Finance Officer to sign Professional Service Agreement with RESPEC for **Contaminated Soil Testing** for SSW02-1106, Omaha Street Utilities Project – 12th Street to East Boulevard for an amount not to exceed \$10,148. Kooiker asked for clarification on this item. Vore explained that contaminated soils have been found in this area and state law requires that the city test for these soils. He added that the SDDOT is working with surface soils on their project, but the city is working with soils that are considerably deeper because of the water line project. Upon vote being taken, the motion carried unanimously.

Motion was made by Hanks and seconded by Murphy to approve No. PW070103-16 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with Kadrmars, Lee & Jackson, Inc. to Design SSW02-1242, **Haines Avenue North** - Northridge Drive to Viking Drive for an amount not to exceed \$10,370.22. Kooiker stated that the original contract amount for this project was \$15,500 and with the change, the new contract will be over \$25,000. Kooiker and Partridge expressed concern about this contract amendment. Kooiker stated that according to the selection process, a certain number of contractors need to be interviewed. If that was not done, then he is not certain the city is getting a good deal. Engineering Division Manager Nelson explained that this is an Urban Systems Project. Consultant interviews were done with three companies. In order to proceed on this project, the City contracted with the selected firm as a city. Typically on urban systems projects, the contract is reimbursed via the state contract. In order to get the design started on this project, the City contracted with the engineering as a city for \$15,500 of work for the survey portion. We have since been reimbursed for that. That is the reason for the \$15,500 contract. There is a much larger contract with the state for this entire project. What has been added for \$10,370 is the utility portion which is outside the state contract. The City always has a utility project with urban systems project which we contract for directly. The cost of the utility portion is \$10,370 and the city will not be reimbursed for these costs. The amendment is significant when compared to the original, but it is only a small part of the entire project. Upon vote being taken, the motion carried with Kooiker voting no. Asst. City Attorney Green noted that this is an item to authorize the expenditure of funds and requires at least six affirmative votes. Motion was made by Hanks, seconded by Partridge and carried to continue this item until July 21, 2003.

Motion was made by Hanks and seconded by Kooiker to request staff to mill and overlay the **Elm Street/St. Patrick Street intersection** for an estimated repair cost of \$15,500. Partridge asked what the objectives are for this item. Vore explained that this request came from the City Council. Staff has indicated that it will be a temporary fix until the intersection is re-built and should last 3-5 years. Funding for this project will come from the Street Department Maintenance Fund. Upon vote being taken, the motion carried unanimously.

The next item discussed by the Council was approval of the Mayor's appointment of the following individuals to the **Impact Fee Committee**: Janette McIntyre, Bill Freytag, Hani Shafai, Bill Waugh, Alan Hanks, Jeff Partridge, and Dan Bjerke. This will be an Ad Hoc committee for 90 days. Kooiker asked if this item should be continued and amended since Dan Bjerke is no longer employed by the city. Shaw indicated that Acting PW Director Ted Vore will take his seat. Motion was made by Partridge and seconded by Kriebel to approve the Mayor's appointment of the Impact Fee Committee. Murphy stated that he feels the makeup of this committee is too biased. Kooiker encouraged the committee to keep these meetings open to the public. Hanks suggested a friendly amendment to the motion naming Bill Waugh Chairman of the Committee. Second by Partridge. Upon vote being taken, the motion, as amended, carried with Murphy voting no.

Public Hearing

Mayor Shaw announced that the meeting was open for public hearing on the intent of the City of Rapid City to construct a new 3.5 MG water storage reservoir (tank), water transmission main, and related appurtenances near the southwest edge of the City (State Revolving Fund loan for **Red Rocks Water Storage Reservoir Project W03-1184**). Asst. Public Works Director Ted Vore explained that the City is proposing to construct these items to provide additional water storage for existing water users as well as to provide future services to potential new users. The city proposes to borrow up to \$3.5 Million of drinking water state revolving funds at 3.5% for twenty years. The purpose of the public hearing is to discuss to the project, proposed financing and the source of repayment for the loan. Project Manager Stacey Titus explained that the reservoir will provide water storage for the Carriage Hills area, the Red Rock area, the upper Wildwood area as well as provide backup supply for the

Highway 16 area. In addition, there are future service areas in Moon Meadows and undeveloped areas between Red Rocks and Wildwood. Dallas Wasserburger from the Alliance of Architects and Engineers explained that they reviewed six sites for possible location of the proposed reservoir. Five of the sites are on the Selador Ranch property and one site is on Red Rocks property. An evaluation matrix was presented showing the different sites and how they ranked in the following categories: aesthetics (20%), potential land dedication (15%), hydraulics (15%), reservoir overflow and drains (5%), water line routing (5%), constructibility (10%), operation and maintenance access (15%) and availability of TID funding (15%). Bob Borgmeier from Selador Ranch has indicated that Sites A, B, and D would not be acceptable to Selador Ranches; Site C could be accessible with certain stipulations; and Site E was their preferred site. Representatives from Selador Ranches would prefer Site F because it is not on their property. A spreadsheet showing the probable construction costs for Sites E and F was also presented. The costs are estimated to be the same at approximately \$3.8 million. Regarding funding sources, TID funding will not be available on the Selador property because it is outside the district boundary. After considering all the factors, including available funding sources, Site F is the preferred site. Titus explained that the original tax increment district was set up with an estimated \$3.1 million for the reservoir. The proposed estimate for the project is \$3.8 million, but this could be on the high site. The project estimate includes a 20% contingency (\$580,000). Staff feels that the \$3.1 originally allocated in the TID is reasonable, but may be a little short. Regarding repayment of the SRF loan, there are two methods: 1) utilize funding from the TID to pay the \$3.1 Million loan (annual payment of \$246,264); or 2) utilize water rates to repay the loan (\$13.28 per year per water account). Assuming the average water account is 12 units per month, that amounts to \$1.11 per month or \$.09 per unit of water sales would be utilized to pay back the loan if TID financing is not used. A conceptual drawing was submitted showing the structure that would be utilized on Site F. If Site E is used, the facility would be buried and not visible. Wasserburger explained that additional cost would be put into the appearance of the facility if it is located on Site F because it will be above ground and located in close proximity to a residential neighborhood. Kooiker asked who would benefit from this reservoir. Titus explained that the Red Rocks development will directly benefit from this project. However, the reservoir will also benefit Carriage Hills. Water to this area is currently provided from a constant pressure booster station. When electrical power goes out, the water goes off. With the new reservoir, this area will have a connection to a ground reservoir and supply. It will also help the fire supply for Carriage Hills. The new reservoir will also provide backup storage for the Wildwood development, Moon Meadows, and Highway 16 area south of Catron Boulevard. Kooiker asked how many people will benefit from this \$3.8 million reservoir and what would happen if it wasn't constructed. Titus reported that there are 894 immediate beneficiaries of this project and 8,000 long term beneficiaries. Kooiker asked about security for this project. Titus explained that he envisions security fencing around the property because of regulations implemented after September 11, 2001. A barrier must be provided at the first point of penetration to the reservoir as well as other security measures. Kooiker stated that having this type of facility at this site, with the security that will be necessary, is not in the best interests of the city. He encouraged the city to find a way to build the facility at Site E which would provide a location for a buried reservoir. Hanks concurred that the preferred site would probably be E, except for the funding source. TID financing would not be available at Site E. If the boundaries of the Tax Increment District are revised, the city would lose the increment from the homes that have been built in the district for the past few years. This would defeat the purpose of having the tax increment district. Engineering Division Manager concurred that if the boundaries of the district are changed, the city would lose the increment that has been developed to date. Also, there are annexation issues that would have to be considered in order to extend the district to include any of the other proposed sites. Hanks added that the representatives of the Selador Ranch have also made it very clear that they are not in favor of locating this reservoir property on any of the other proposed sites. Kriebel asked why the city would pay money to study five sites that are located outside of the tax increment district. Titus explained that the Red Rocks site has always been available. However, when the design was initiated, staff wanted to know if there were better sites

available and to bring that information to the City Council for discussion. Technically, buried reservoirs are better, however, the funding issue also needs to be addressed. Partridge stated that from the information provided, it appears that Site E is the preferred choice, but site F has the funding, even though additional money will be used to enhance the appearance of the tank. He suggested that more study be done on Site E to see if it could be used. Hani Shafai explained that a reservoir in this zone was planned when Carriage Hills was started. There was a lot dedicated for this use, however, as development continued, the location was revised to be near countryside at an elevation near 4,000 feet. When Red Rocks estates was developed using IDPF funds, a site was identified for a water reservoir. The tank was intended for the area extending from Highway 16, Moon Meadows, portions of Wildwood, Carriage Hills, and undeveloped areas in this area. This tank is also going to be the stepping stone for another reservoir which will service the Countryside development, when it is annexed. Regarding TID funding, Shafai encouraged the City to adjust the boundaries to include the Selador Ranch site. Even if the base valuation is started over, there is going to be a great deal of development in the future in this area. Shafai added that Site E is a much better site for the reservoir because of the hydraulics. Hanks reiterated that if the boundaries of the tax increment district are adjusted, the city will lose the increment that is already there. Conservatively, this could be over \$5 million. Planning Director Elkins explained that if the boundaries of the tax increment district are amended, the base is re-established. The valuation of the homes that were constructed in the interim will go to the base and there would be no revenues from those properties. Elkins concurred that \$5 million is a very conservative estimate of the increment that would be lost. An overlapping district could be created, but again the City would not have the benefit of the homes that have been constructed up to this point in time. Hanks again noted that Mr. Borgmeier has made it clear that he doesn't want this reservoir on his property. It could probably be done, but at what cost and what delay? No additional testimony was offered. Motion was made by Hanks, seconded by Kooiker and carried to close the public hearing on this issue.

Planning Department – Hearings

No public comment was made on Items 93-97.

The Mayor presented No. 03CA014, a request by Davis Engineering, Inc. for Verlyn and Cindy Bourne for an **Amendment to the Comprehensive Plan to change the future land use designation on a 2.7 acre parcel of land from Industrial to Low Density Residential** located at 5511 Hidden Valley Lane. 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 7th day of July, 2003 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 2.7 acre parcel of land from Industrial to Low Density Residential, on Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, 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 7th day of July, 2003.

ATTEST:
s/ James F. Preston

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

Finance Officer
(SEAL)

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

The Mayor presented No. 03CA015, a request by DLK Engineering for DTJ, LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on a 12.89 acre parcel of land from Residential to General Commercial with a Planned Commercial Development**, located north of East Fairmont Boulevard and west of South Highway 79. 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 7th day of July, 2003 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 12.89 acre parcel of land from Residential to General Commercial with a Planned Commercial Development, on 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 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 7th 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 French. The following voted AYE: Hanks, French, Murphy, Kooiker, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03CA016, a request by Donald Douma for Atonement Lutheran Church for an **Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the land use designation on a 1.85 acre parcel from Low Density Residential to Office Commercial with a Planned Commercial Development**, located at 522 Anamosa Street. 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 7th day of July, 2003 to consider an amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the land use designation on a 1.85 acre parcel from Low Density Residential to Office Commercial with a Planned Commercial Development, on Lot 1 of Lot A of Block 6 of Northern Heights, Section 25, T2N, R7E, 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 7th 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 French. The following voted AYE: Hanks, French, Murphy, Kooiker, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03SV021, a request by Dream Design International for Doyle Estes (DTH LLC) for a **Variance to the Subdivision Regulations** to waive the requirement for curb, gutter, sidewalk, sewer, watermain and street light conduit along West Nike Road on Lots 1-15 and Outlot C, Block 2; Lots 1-5 and Lots 8-12, Block 3; Lots 18-29 and Outlot B, Block 4, Northbrook Village, located in the SE1/4 SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SE1/4 SE1/4 less Northbrook Village and Less Right-Of-Way, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Viking Drive, Titan Drive and Milehigh Avenue. Motion was made by Kooiker, seconded by French 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. 03VR001, a request by TSP Three, Inc. for a **Vacation of Right-of-Way** located along Kinney Court. The following Resolution was introduced, read and Kooiker moved its adoption, with the stipulations outlined on the Staff Report:

RESOLUTION OF VACATION
OF RIGHT-OF-WAY

WHEREAS it appears that a portion of the public right-of-way on Lot 10A, Block 1, Owen Mann Subdivision; Lots 12 thru 16 less Lot H-2 and H-3, Block 1, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in a portion of the cul-de-sac along Kinney Court 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 7th 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 French. The following voted AYE: Hanks, French, Murphy, Kooiker, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

Ordinances & Resolutions

No public comment was made on Items 98-108.

The Mayor announced the meeting was open for hearing on No. 03RZ015, second reading of **Ordinance 3932**, a request by DLK Engineering for South Creek Village Limited Partnership for a **Rezoning from Medium Density Residential District to General Commercial District** on the following property: 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 261.89 feet more or less; thence S00°01'35"W a distance of 942.35 feet more or less; thence N89°32'15"W a distance of 239.26 feet more or less to the True Point of Beginning, located northwest of the intersection of Cambell Street and Fairmont Boulevard. Notice of Hearing was published in the Rapid City Journal on April 12 and April 19, 2003. Ordinance 3932, having had the first reading on April 7, 2003, it was moved by Hanks and seconded by Partridge that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, French, Murphy, Kooiker, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3932 the second time.

The Mayor announced the meeting was open for hearing on No. 03RZ017, second reading of **Ordinance 3938**, a request by FMG, Inc. for Bypass LLC for a **Rezoning from General Agriculture District to General Commercial District** on the following property: That part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following description: Commencing at a point along the east section line of Section 28, said point being 607.94 feet south of the NE corner of Section 28; thence S00°01'17"E, 1106.92 feet to a point along the east section line of Section 28; thence S89°58'15"W, 399.77 feet to a point; thence N00°01'45"W, 1107.46 feet to a point; thence S89°57'07"E, 399.92 feet to a point along the east section line of Section 28, said point being 607.94 feet south of the NE corner of Section 28 at the point of beginning, located north and west of the intersection of I-90 and Elk Vale Road. Notice of Hearing was published in the Rapid City Journal on June 21 and June 28, 2003. Ordinance 3938, having had the first reading on June 16, 2003, it was moved by Hanks and seconded by Partridge that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, French, Murphy, Kooiker, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3938 the second time.

The Mayor announced the meeting was open for hearing on No. 03RZ019, second reading of **Ordinance 3947**, a request by Donald Douma for Atonement Lutheran Church for a **Rezoning from Low Density Residential District to Office Commercial District** on Lot 1 of Lot A, Block 6, Northern Heights Subdivision, Section 25, T2N R7E, BHM, Rapid City, Pennington County, South Dakota, located at 522 Anamosa Street. Notice of Hearing was published in the Rapid City Journal on June 7 and June 14, 2003. Ordinance 3947, having had the first reading on June 2, 2003, it was moved by Hanks and seconded by Partridge that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, French, Murphy, Kooiker, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3947 the second time.

The Mayor announced the meeting was open for hearing on No. 03RZ022, second reading of **Ordinance 3950**, a request by Davis Engineering, Inc. for Verlyn and Cindy Bourne for a **Rezoning from No Use District to Low Density Residential District** on 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. Notice of Hearing was published in the Rapid City Journal on June 7 and June 14, 2003. Ordinance 3950, having had the first reading on June 2, 2003, it was moved by Hanks and seconded by Partridge that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, French, Murphy, Kooiker, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3950 the second time.

Ordinance 3951, entitled An Ordinance Modifying the Regulation of Signs within the City of Rapid City by Amending Sections 15.28.050, 15.28.060, 15.28.080, 15.28.120, 15.28.160, 15.28.250, and 15.28.270 of the Rapid City Municipal Code, having passed the first reading on June 16, 2003, it was moved by Hanks and seconded by Partridge that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3951 was declared duly passed upon its second reading.

The Mayor presented No. 03RZ023, second reading of **Ordinance 3952**, a request by Robert Stiehl for a **Rezoning from Neighborhood Commercial District to General Commercial District** on Lots 1 and 2 of Tract A; the balance of Tract A; and Tract B, all located in Robbinsdale #7 Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 402 E. Fairmont Boulevard. Motion was made by Hanks, seconded by Partridge and carried to deny second reading of Ordinance 3952.

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), was introduced. Upon motion made by Hanks, seconded by Partridge and carried, Ordinance 3953 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, July 21, 2003.

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), was introduced. Upon motion made by Hanks, seconded by Partridge and carried, Ordinance 3954 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, July 21, 2003.

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), was introduced. Upon motion made by Hanks, seconded by Partridge and carried, Ordinance 3955 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, July 21, 2003.

Ordinance 3956 entitled An Ordinance Establishing the Department of Parks and Recreation by Adding Chapter 2.89 to the Rapid City Municipal Code (No. LF070203-08), was introduced. Upon motion made by Hanks, seconded by Partridge and carried, Ordinance 3956 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, July 21, 2003.

Ordinance 3957 (No. 03RZ024) 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, was introduced. Upon motion made by Hanks, seconded by Partridge and carried, Ordinance 3957 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, July 21, 2003.

Legal & Finance Committee Items

No Public Comment was made on Items 109-112.

Motion was made by Hank, seconded by Partridge and carried to approve the Amended **Financial Interest Form** for municipal candidates (No. LF070203-02). Asst. City Attorney Green explained that the city has adopted provisions of state law regarding elections and the disclosures candidates must make, however, we are not able to modify the State's form. In order to accomplish the intent of this item, staff will need to draft an ordinance to include the additional form for all candidates. Hanks clarified his motion to request that staff draft an ordinance to implement a Financial Interest Form for Rapid City municipal candidates. Partridge concurred. Upon vote being taken, the motion carried unanimously.

The next item discussed by the Council was direction to staff to draft an ordinance requiring that department heads be required to file a **Statement of Financial Interest Form**. Motion was made by Hanks and seconded by Partridge to table this item. Roll call vote was taken: AYE: Hanks, French, Partridge, Murphy; NO: Kooiker and Kriebel. Motion to table carried 4-2.

The following Resolution was introduced, read and Hanks 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:

Public Works Administration
1991 Ford Taurus, SN 151454

Recreation Department
1987 Ford Supercab Pickup, SN 17139

Solid Waste Disposal
1990 Dodge Pickup, SN 705197

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 7th 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 Murphy. Kooiker spoke against the motion. If the vehicles are operating, the City should continue to use them. Upon vote being taken, the following voted AYE: Hanks, Murphy, Kriebel and Partridge; NO: Kooiker and French. Motion carried, 4-2. (Secretary's Note: A two-thirds majority vote is required to approve the Resolution. It will be submitted again at the next Legal & Finance Committee meeting.)

Motion was made by Hank seconded by Murphy and carried to deny the request for **Impact Fee Waiver** at 224 East College, Dale & Leah Lutheran.

Public Works Committee Items

Public Comment on Items 113-123

Nicole Sayler requested that the Council continue action on Item No. 116 to give property owners in this area time to gather information. She has several concerns about the project and whether or not land owners in this area will be allowed to tap on to the water line. Currently water in this area is not suitable for drinking and land owners must haul water for domestic use. She encouraged the Council to look to the future on this project because there is a great deal of land which will be developed when water service becomes available. She added that the members of the water district in this area have been having a difficult time meeting with the Water District Board. She asked that Council members and staff attend the next board meeting if possible so that answers can be provided.

Based on advice of our independent legal counsel, motion was made by Murphy and seconded by Partridge to deny the request by George Dunham for a **waiver of water impact fees** for Dunham Estates. Upon vote being taken, the motion carried unanimously.

The next item before the Council was 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. Motion was made by Kooiker and seconded by Partridge to continue this item to July 21, 2003. Substitute motion was made by Hanks and seconded by Murphy to approve this item. Kooiker expressed concern about paying this amount of money to merely delete the bikepath, street lighting and a detention pond from this set of construction plans. Also, why would we want to remove these items from the plans, especially the bike patch and lights, if we are going to improve this area. Engineering Division Manager Nelson explained that the contract was changed and items deleted as a result of budget constraints. Also, the deletion of the detention pond resulted in a change in the grading plan on the west side of this street. Nelson added that this cost does include the preparation of construction plans for the detention cell as a separate project for future bidding. The amendment could be reduced by \$4,680 if we were to leave the plans for a later date. If that is done, it will probably cost the city more. Hanks withdrew his substitute motion and there was no objection. Upon vote being taken, the original motion to continue to July 21, 2003 carried unanimously.

The next item discussed by the Council was No. PW070103-14 – Authorize Mayor and Finance Officer to sign Amendment No. 02 to Professional Service Agreement with Kadrmas, Lee & Jackson to Design ST02-1189, **North LaCrosse/East Anamosa Intersection**

Improvements for an amount not to exceed \$10,408. For the purpose of discussion, Kooiker moved approval; second by Hanks. Kooiker expressed concern about the exponential increase in the contract cost. He stated that either the city is spending too much on consultant contracts or spending too much on a fully staffed engineering division. The project needs to be done, but there doesn't seem to be any end to the increase in project costs. Kooiker asked what the impact would be if this Agreement was not approved. Engineering Division Manager Nelson explained that the consultant would not get paid for the additional work that went into preparing the plans for bidding this project. Potentially we could cut back on the construction side. Kooiker spoke against the motion on the floor. There was an agreement to handle these services and he doesn't see the need for this amendment. Nelson explained that consultants for projects such as this are selected on the basis of the entire project as best we understand it, prior to going into detailed design. However, we contract firm numbers only for the preliminary design because the full project scope is not necessarily identified at this stage. With the preliminary design phase completed, which in this case was a contract amount of \$16,710, then the city determines the work needed to complete the project and bring it to bid. This has been a standard practice: we select on the basis of the full project, but only contract for the portion of the project that we are firm on. The first amendment on this project was for the detailed design. Amendment No. 2 is for changes that were necessary during the detailed design that the City and consultant could not foresee. Roll call vote was taken: AYE: Hanks and Murphy; NO: Kooiker, French, Partridge and Kriebel. Motion failed, 2-4. Motion was made by Hanks and seconded by Murphy to continue this item until July 21, 2003. Kooiker and Partridge spoke against the motion. Roll call vote was taken: AYE: Hanks, Murphy and Kriebel; NO: Kooiker, Partridge and French. Mayor Shaw voted AYE: to break the tie and the item was continued to July 21, 2003.

The next item before the Council at this time was 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. Motion was made by Kooiker and seconded by Partridge to continue this item until July 21, 2003. It was noted that a meeting of the Water District board is scheduled for Wednesday, July 9th at 7:00 P.M. Kooiker encouraged the Council members and staff to attend this meeting so that the City can understand the needs of this part of the community. Project Engineer Dan Coon requested that the Council approve the Agreement so that work can begin on this project. The main purpose of the proposed water line is to provide water to the Water Reclamation Plant. Kriebel asked if the design specifications will accommodate people hooking on to this line. Coon explained that different routes have been reviewed for this project for over a year and staff has been practical about what route can service the most people the soonest. The route going down Anderson Road, though the Green Valley neighborhood and down Southside Drive puts us in contact with the most people the soonest. This route will also allow us to expand the system within the area for future development whether it be north of Southside Drive or along Reservoir Road. We are looking at a regional service area by increasing part of the line along Southside Drive from a 12" to a 16" line to allow for expansion and serving more people in the area. Our preferred route would be to go down Anderson Road. However, we have met resistance from a couple of property owners so the re-alignment would take us down the east side of Anderson Road and still allow the people along this road to hook up and then go back through the neighborhood and down Southside Drive. Coon stated that this water line route provides the best access for people within the Green Valley Sanitation District and allows for the best access for future development in this area. Coon stated that this water line has been designed with the people in the sanitation district in mind and designed to give the most access of any route going to the Water Reclamation Facility. Upon vote being taken, the motion to continue to July 21 carried unanimously.

Motion was made by Hanks and seconded by French to request that staff proceed with the site selection "F" for the **Red Rock Reservoir**. Partridge offered an amendment to the motion

that Site E also be reviewed during this process. Hanks and French agreed to add this to the motion. Upon vote being taken, the amended motion carried unanimously.

Motion was made by Kooiker, seconded by Partridge and carried to approve No. PW070103-22 - Resolution to have Mayor and Finance Officer sign the "Authorizing Resolution – Drinking Water State Revolving Fund Loan Program, **Red Rock Water Storage Reservoir Project W03-1184**.

Motion was made by Kooiker, seconded by Partridge and carried to approve No. PW070103-23 - Resolution to have Mayor and Finance Officer sign the "Certification Regarding Debarment, Suspension, and Other Responsibility Matters" for the above **SRF agreement**.

Motion was made by Kooiker, seconded by Partridge and carried to approve No. PW070103-21 - Authorize Mayor and Finance Officer to sign "Drinking Water **State Revolving Fund Application**" form, "Certification of Drinking Water Needs Categories"; form and EPA "Pre-Award Compliance Review Report for All Applicants Requesting Federal Financial Assistance" form.

The next item discussed by the Council was the **East New York Street railroad crossing** and estimated repair costs. Asst. Public Works Direct Ted Vore explained that this was a request from the City Council. Staff estimates the cost of this project to be approximately \$4,000. Motion was made by Kooiker and seconded by French to request that staff proceed with this repair project. Vore explained that staff was hesitant to start this project now because of the amount of traffic on New York Street since Omaha Street is under construction. Finance Officer Preston asked about the funding source for this project. Vore stated that these costs will have to come from the Street Maintenance Fund. Murphy stated that this project is needed however, it should not be done at this time because of the traffic congestion created by the Omaha Street widening project. Substitute motion was made by Kooiker and seconded by Partridge to continue this item to the next Public Works Committee meeting for further discussion. Roll call vote was taken: AYE: Hanks, French, Kooiker, Murphy and Kriebel; NO: Partridge. Motion to continue carried, 5-1.

Motion was made by Murphy and seconded by Hanks to approve No. PW070103-19 – **Travel Request** for Ronald Back to attend 76th Annual Technical Exhibition and Conference of the Water Environment Federation in Los Angeles, CA in the amount of \$2,086.44. Roll call vote was taken: AYE: Murphy, Partridge and Hanks; NO: Kooiker, French and Kriebel. Motion failed due to tie vote. Motion was made by Hanks and seconded by Murphy to continue this item to July 21, 2003. Kriebel stated that with current budget concerns, vehicle purchases and travel expenses should be curtailed. Roll call vote was taken: AYE: Murphy and Hanks; NO: Partridge, French, Kooiker and Kriebel. Motion failed, 2-4.

The next item before the Council was No. PW070103-20 – **Travel Request** for Daniel L. Bjerke to attend 76th Annual Technical Exhibition and Conference of the Water Environment Federation in Los Angeles, CA in the amount of \$1,607.72. Motion was made by Kooiker, seconded by Hanks and carried to table this item.

Bills

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

Payroll Paid Ending 06-14-03, Paid 06-20-03	657,728.78
Payroll Paid Ending 06-30-03, Paid 06-30-03	910,393.42
Payroll Paid Ending 06-28-03, Paid 07-03-03	672,957.30
Payroll Paid Ending 06-14-03, Paid 06-20-03	1,218.15

Payroll Paid Ending 06-14-03, Paid 06-20-03	1,285.83
Pioneer Bank, Taxes Paid 06-20-03	160,479.95
Pioneer Bank, Taxes Paid 06-30-02	221,841.75
Pioneer Bank, Taxes Paid 07-03-03	158,881.92
Pioneer Bank, Taxes Paid 06-20-06	93.19
Pioneer Bank, Taxes Paid 07-03-03	98.36
City Water Department, water	588.15
MDU, gas service	4,178.28
MDU, gas service	234.06
BH Power & Light, electricity	69,809.10
Wells Fargo Corporate Card, credit card charges	225.70
First Administrators, claims Paid 6-18-03	73,777.05
First Administrators, claims Paid 6-25-03	69,160.55
First Administrators, claims paid 7-01-03	50,158.16
Berkley Risk Administrators, June claims	15,058.44
National Bank in Sioux Falls, SRF loan payments	294,996.14
SD Department of Revenue, May sales tax (civic center)	12,306.48
SD Department of Revenue, May sales tax	27,734.91
PC Connection Place, internal tape drive	3,515.00
Dell marketing, Poweredge 6600 server	26,450.00
US Postmaster, billing postage	2,200.00
Computer Bill List	<u>3,499,623.32</u>
Total	<u>\$6,934,993.99</u>

Payroll Paid Ending 06-14-03, Paid 06-20-03	2,608.80
Payroll Paid Ending 06-28-03, Paid 07-03-03	2,608.80
Pioneer Bank, Taxes Paid 06-20-03	191.39
Pioneer Bank, Taxes Paid 07-03-03	191.07
CIMA Companies, insurance	888.75
City of Rapid City, supplies	27.18
City of Rapid City, postage	163.31
First Administrators, Section 125 Fee	3.25
Marlin Leasing, copier lease	4.30
Philfleet, gasoline	87.14
SD Retirement, pension	276.30
SD School of Mines, telephone	51.08
Pioneer Bank, taxes paid 06-06-03 (correction)	<u>20.00</u>
Total	<u>\$6,942,115.36</u>

<u>Treasurer's Check</u>	
Heavy Constructors, Hawthorne Avenue Phase 2	<u>12,000.00</u>
Total	<u>\$6,954,115.36</u>

As there was no further business to come before the Council at this time, the meeting adjourned at 11:30 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)