

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
September 15, 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, September 15, 2003 at 7:00 P.M.

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

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

Approval of Minutes

Motion was made by Rodriguez, seconded by French and carried to approve the minutes of September 2, 2003.

Adoption of the Agenda

The following changes to the agenda were suggested:

1. Move Item No. 60 to follow Item No. 104
2. Move Item No. 117 from the Addendum to follow Item No. 96
3. Add the following item under Alderperson Items: "Economic Development"
4. Move Item No. 116 on the Addendum to Items from Council Members
5. Discussion of Public Works & Legal & Finance Committees

Motion was made by Hadley, seconded by Waugh and carried to approve the agenda, with the above changes.

General Public Comment

Rex Conrad from Flags and Wheels asked that the Council consider allowing an on-premise sign on his property. There was a sign on Omaha Street for this business, but it was removed as a result of the street widening project. Conrad explained that he applied for a on-premise sign that would be located on his property on Main Street, but it was denied because it was located too close to an existing sign. The Sign Code Board of Appeals denied the request without prejudice because the City Attorney at that time determined that it would be an off-premise sign. Conrad stated that he owns both lots and they are identified with one ID number for tax purposes. Hanks noted that the City seems to be having a lot of problems with signs that have been relocated as a result of this street widening project. He suggested that the ordinance be reviewed and modified so that if someone had to move a sign due to construction by the State, then it can be allowed. Green indicated that the City Attorney's Office could research this matter for future consideration. He added that Mr. Conrad's time for appealing the decision of the Sign Code Board of Appeals has passed and the City Council has no recourse on that issue. Motion was made by Hanks and seconded by Hadley to request that staff review this issue and come back with a proposed modification to the ordinance that would address non-conforming signs that are removed or relocated due to condemnation actions. This information should be presented to the Legal & Finance Committee for review. Substitute motion was made by Hadley to amend the motion to include

a request that Mr. Conrad be notified when this item will be discussed. Second by Waugh. Upon vote being the substitute motion carried unanimously. Upon vote being taken, the motion, as amended, carried unanimously.

Bid Openings

The following companies submitted bids for No. CC091503-01, **8th Street Water Main Extension Project No. W03-1308**, which were opened on September 11, 2003: 1) Duffield Construction; 2) Quinn Construction; and 3) Mainline Contracting. Staff has reviewed the bids and recommends award to Mainline Contracting. Motion was made by Rodriguez, seconded by Waugh and carried to award the bid for W03-1308 to Mainline Contracting, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$87,227.50.

The following companies submitted bids for No. CC091503-01, **Northeast Area Sanitary Sewer Interceptor – Phase 1**, Project No. SS03-1250, which were opened on September 11, 2003: 1) Heavy Constructors; 2) Spearfish Excavating; 3) Lind Exco, Inc.; 4) Simon Contractors of SD; 5) Quinn Construction; 6) Mainline Contracting; and 7) Rapid Construction. Staff has reviewed the bids and recommends award to Mainline Contracting. Motion was made by Rodriguez, seconded by French and carried to award the bid for SS03-1250 to Mainline Contracting, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$193,317.50 (Base Bid plus Alt. 1).

Mayor's Items

Mayor Shaw presented the **Veteran of the Month Award** to Will Merchen and commended him for outstanding service to the country.

Shaw also presented **Certificates of Recognition** to Jim Kobes of the Fire Department and Herb Kistler of the Police Department and commended them for 25 years of service to the community.

A **Certificate of Recognition** was also presented to Diane Rietman from the Rapid City Journal who has been covering Rapid City issues for the last five years. Rietman is leaving the Journal to pursue a new career.

Motion was made by Kriebel, seconded by Rodriguez and carried to confirm the Mayor's appointment of Theresa Maule as the new **City Attorney**.

Motion was made by Hanks and seconded by Rodriguez to approve No. LF091003-09 – Authorize the Mayor and Finance Officer to sign Memorandum of Understanding between the City of Rapid City and the Local 1031, Council 59, American Federation of State, County, and Municipal Employees AFL-CIO (General and Library); the Fraternal Order of Police South Dakota Lodge 2A; and the International Association of Firefighters Local 3959 regarding the Addendum to the **City's Healthcare Plan**. Motion was made by Partridge and seconded by French to strike "2005" in Paragraph 2 of Page 1 and in Article 9. Partridge stated that he understands that the contracts go through 2005, but there are several meetings planned where this issue can be reviewed without tying it to the contracts at this time. Preston encouraged the Council not to approve the proposed amendment. The years are included in the MOU because the contracts are valid through 2005. He added that all of the unions have agreed to meet in October and April to review these issues. They have also verbally agreed to meet as often as needed to make any necessary adjustments to the agreements. Preston noted that the unions have worked hard on this issue and they made a number of concessions where additional costs will come from the employees. He encouraged the Council to give the existing MOU a try with the understanding that if adjustments are needed, all parties will work together to solve the problems. Partridge stated that is why he suggested

the amendment to the MOU, because additional meetings are scheduled for consideration of this issue. Roll call vote was taken on the substitute motion to amend the MOU: AYE: Partridge; NO: Hanks, French, Kooiker, Murphy Rodriguez, Waugh, Hadley, Kroeger and Kriebel. Motion failed, 1-9. Kriebel saluted the organizations that worked on this issue. He added that the City is only half way through a five year contract that may be in serious trouble. Upon vote being taken, the original motion to approve the Memorandum of Understanding carried with Partridge voting no.

Ordinance 3972, 2004 Appropriation Ordinance (No. CC090203-03R-1), having passed the first reading on September 2, 2003, it was moved by Waugh and seconded by Hanks that the title be read the second time. Substitute motion was made by Rodriguez and seconded by Waugh to change the Mayor's salary to \$83,595 which is Step B at Grade 29. This is the same level Mayor Munson was at when he left office. Kooiker expressed concern for the following reasons: 1) Had the other two opponents who ran for Mayor been elected, they would have been at Step A of Grade 29 which is where the Mayor's salary was set on September 2nd. Also, the Wage and Benefit Committee was going to review the Condrey Study for where the position of Mayor should be on the wage scale. There is some question whether the position of Mayor, an elected official, should be in a wage study to begin with. Kroeger asked what the City has done in the past relative to the Mayor's salary. Asst. Finance Officer Schmidt explained that the incoming Mayor has received the same salary as the person leaving office. Roll call vote was taken on the substitute motion: AYE: Murphy, Rodriguez, Waugh, Kroeger, Kriebel and Partridge; NO: Hanks, French, Kooiker and Hadley. Substitute motion carried, 6-4. Substitute motion was made by Hadley and seconded by Rodriguez to change the \$20,000 in the Fire Department Budget from a cut to a moratorium item. This change will fund overtime for Fire Department employees to provide the Juvenile Fire Setting program and to provide CPR and Automatic Defibrillator training. Upon vote being taken, the substitute motion carried with Partridge voting NO. Kooiker expressed concerns about opinions and information presented by the Finance Officer during budget discussions. Rodriguez called for a point of order noting that discussion should be on the budget, not the Finance Officer. Shaw requested that remarks be kept to the issue at hand which is the budget. Kooiker stated that this budget increases the property taxes for Rapid City by a total of \$570,000 which comes out to approximately \$20 per \$130,000 of valuation. Secondly, the City was informed last week that recent sales tax collections have increased about 6% over 2002. Thirdly, Kooiker stated that the grocery tax does not appear to be revenue neutral and he believes it will be a windfall for the city. The City had no choice in the grocery tax, but we do have a choice in property taxes. Based on the revenue that will be generated by the grocery tax, Kooiker stated that he feels the city can forego the additional \$20 on the property tax bill. French suggested that any additional revenue from the grocery tax be used to off-set future increases in sewer rates for city residents. Finance Officer Preston stated that he feels obligated to give an opinion to the council relative to financial matters for the City as well as personnel issues. Relative to the property tax issue, if the city does not approve the increase in property taxes for this year, that is lost for all time. The city is only allowed to increase property taxes by three percent or the CIP, whichever is less. Kriebel stated that no council members received everything they wanted either on the revenue or expense side of this budget. He added that there is no funding in the proposed budget for deer control which his constituents support. Roll call vote was taken on the original motion to approve second reading of Ordinance 3972, as amended: AYE: Hanks, French, Murphy, Rodriguez, Waugh, Kroeger, Kriebel and Partridge; NO: Kooiker and Hadley. Motion carried, 8-2. Rodriguez commended the Finance Office staff and department heads who worked long hours to provide the budget for Council consideration.

Items from Council Members/Liaison Reports

Motion was made by Kooiker and seconded by Rodriguez to have **Economic Development** present a report monthly during a council meeting. Following the third report of the quarter,

Council shall act upon the request for 25% of the general fund allocation for economic development operations. Upon vote being taken, the motion carried with Kriebel voting no.

The next item discussed by the Council was consideration of the Waste Water Treatment Plant leaseback/sale proposal and a request for an explanation of the Cayman Islands clause. Green stated that the City Attorney has requested that this item be discussed in executive session. Motion was made by Rodriguez and seconded by Partridge to go into executive session to discuss contractual matters. Kriebel and Kooiker spoke against discussing this item during executive session. This information should be available to the public. Shaw noted that the item will be discussed when the Council comes out of executive session. Roll call vote was taken: AYE: Hanks, French, Murphy, Rodriguez, Waugh, Kroeger and Partridge; NO: Kooiker, Hadley and Kriebel. Motion to go into executive session carried, 7-3.

The Council came out of executive session at 8:25 P.M.

Motion was made by Rodriguez and seconded by Waugh to deny the proposed **Lease/Lease Back Proposal**. City Attorney Theresa Maule explained that she requested the executive session because there were other legal documents from Todd Meierhenry who is the State Authority Attorney on this matter. She wanted the Council to understand the legal reasons and issues behind her recommendation. Maule stated that she believes the document is fatally flawed for the following reasons: 1) The only place this document can be heard in court is the State of New York. This would require Rapid City to hire a New York attorney at a substantial cost. 2) Indemnification. Maule stated that she does believe the city should indemnify any lease or leaseback of our own bad acts; however, she does not agree with the indemnification proposal in the document. The city would be indemnifying them against their tax shelter. If the tax shelter would fail, they would ask that the city pay taxes and other costs which could be substantial. Maule stated that a letter she received from Meierhenry outlines that the MFA is a conduit from the City and as such they pass through all the rights and liabilities. Also, the state would not be willing to incur any liability on behalf of the city for this project. The documents also include a waiver to a jury trial. This means any lawsuit would be heard by a New York judge. 3) The funding corporation is a limited liability company located in the Cayman Islands. Its board of directors or anyone associated cannot be personally sued. The liability amount is not listed in the documents that have been submitted. Maule added that Mr. Meierhenry has attempted to contact Allco to address concerns about the project, but has not received any cooperation. The concerns have not been addressed to our satisfaction. 4) There is also the risk of having to replace an investment if the entity is downgraded. Maule stated that it is her opinion that this is an extreme financial risk to the City. Hanks moved the question and there were no objections. Upon vote being taken, the original motion to deny the proposal carried unanimously.

Rodriguez stated that she would like the Legal & Finance and Public Works Committees to go back to being **committees of the whole** because of the lengthy duration of council meetings. She felt that many questions could be answered at the committee level which could speed up the Council meetings. Motion was made by Rodriguez and seconded by French that the Council's Legal & Finance and Public Works Committees go back to being committees of the whole. Substitute motion was made by Kriebel and seconded by Kooiker to table this item. Roll call vote was taken: AYE: Kooiker, Hadley, Kriebel and Partridge; NO: Hanks, French, Murphy, Rodriguez, Waugh and Kroeger. Motion failed, 4-6. Kooiker stated that the Council has been dealing with several big issues recently which have resulted in longer meetings. He urged the Council to give the current committee structure a chance to work. Substitute motion was made by Kooiker and seconded by French to continue this item to be heard in conjunction with Item No. 94 which deals with taping the committee meetings. Roll call vote was taken: AYE: Hanks, French, Kooiker, Kroeger and Kriebel; NO: Murphy, Rodriguez, Waugh, Hadley and Partridge. Mayor Shaw voted AYE to break the tie and the item was continued to later in the meeting.

Continued Items Consent Calendar – Items 9-30

Motion was made by Hanks, seconded by Waugh and carried to continue the following items until October 6, 2003:

9. 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.
10. 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.
11. 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.
12. No. 02PL116 - A request by Dream Design International, Inc. for a **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.
13. No. 03PL030 - A request by Renner & Sperlich Engineering Co. for Gordon Howie for a **Final Plat** on Lots 12 thru 20 of Block 13, Lots 25 thru 32 of Block 14, and Lots 20 thru 25 of Block 15, Trailwood Village, located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located along Mercury Drive, Cabbot Court and Shad Street.
14. 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.

15. 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.
16. 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.
17. 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.
18. No. 03PL052 - A request by Dream Design International, Inc. for a **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.
19. No. 03PL063 - A request by Fisk Land Surveying and Consulting Engineers for Dakota Land Development for a **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.
20. No. 03PL067 - A request by FMG, Inc. for Bypass LLC for a **Preliminary Plat** on Lots 1 through 9 of Block 1, Lots 1 through 3 of Block 2, Lots 1 through 6 of Block 3, all of I-90 Heartland Business Park, and dedicated public right-of-way shown on Elk Vale Road, Seger Drive, Taggart Road and Galt Court located in the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NE1/4; N1/2 NE1/4 NE1/4; and the unplatted portion of the S1/2 NE1/4 NE1/4; N1/2 SE1/4 NE1/4 all in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north and west of the intersection of I-90 and Elk Vale Road.
21. No. 03PL068 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 10-12, Block 4; Lots 1-11, Block 17; Lots 12-22, Block 15; Lots 3-5, Block 16 of Big

Sky Subdivision and dedicated Elmer Street, Aurora Drive, Carl Avenue and Major Drainage Easements located in the N1/2NW1/4SE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 SE1/4 less Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of South Pitch Drive and Elmer Street.

22. No. 03PL079 - A request by Renner & Sperlich Engineering for Doyle Estes for a **Preliminary and Final Plat** on Lot 2R and Lot BR of the Washburn Lot, located in Government Lot 4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, less Lot H-1 of Lot 1 and 2 of the Washburn Lot, and Lot B of the Washburn Lot, located in Government Lot 4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of West Main Street and Jackson Boulevard.
23. No. 03PL081 - A request by Fisk Land Surveying & Consulting Engineers for Canyon Lake Church of God for a **Preliminary and Final Plat** on Lots 1 and 2 of Hillsview Subdivision #2 and dedicated right-of-way, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 in SW1/4 SW1/4 of Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, less Lot H1 and H2 of said Lot 1 of the SW1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1829 Hillsview Drive.
24. No. 03PL082 - A request by Fisk Land Surveying & Consulting Engineers for Dan O'Brien for a **Layout Plat** on Lots 1 through 33 of Block 10 of Fairway Hills PRD and dedicated Right-of-Way, located in the W1/2 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and a portion of Lot 3A of Fairway Hills PRD and a portion of the unplatted portion, less Lot H1, of the NW1/4 SW1/4 of Section 15, T1N, R7E, BHM, located in the W1/2 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Sheridan Lake Road and Heidiway Lane and along Fairway Hills Drive.
25. No. 03PL084 - A request by Renner & Sperlich Engineering Co. for Eldene Henderson for a **Preliminary and Final Plat** on Lot 7R and Lot 8R of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 7 and Lot 8 of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along North Haines Avenue.
26. No. 03RZ030 – Second Reading, **Ordinance 3974**, a request by Renner & Sperlich Engineering Company for Steve Moore to consider an application for a **Rezoning from Flood Hazard District to Low Density Residential District** on a portion of Tract 2 of L-b of Lot L, of the NE1/4 of the SW1/4, and a portion of Lot C of Lot 2 of the SE1/4 of SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Tract 2 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the southwesterly corner of Tract 4 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the easterly edge of Right-of-Way of Creek Drive, and the Point of Beginning; Thence first course: N90°00'00"E, along the northerly boundary of said Tract 2, common to the southerly boundary of said Tract 4, a distance of 250.00 feet; Thence, second course: S00°00'00"E, a distance of 164.09 feet, to a point on the southerly boundary of said Tract 2, common to a point on the northerly boundary of Lot C of Lot 2 of the SE1/4 of the SW1/4; Thence, third course: S10°06'33"E, a distance of 203.45 feet, to a point on the northerly boundary of the south 200 feet of said Lot C; Thence, fourth course: N89°57'11"W, along the northerly boundary of the south 200 feet of said Lot C, a distance of 88.00 feet, to a point on the westerly boundary of said Lot C, common to

the southeasterly corner of Lot B of Lot 2 of the SE1/4 of the SW1/4 and common to the northeasterly corner of Lot A of Lot 2 of the SE1/4 of the SW1/4; Thence, fifth course: N00°13'40"E, along the westerly boundary of said Lot C, common to the easterly boundary of said Lot B, a distance of 200.22 feet, to the northwesterly corner of said Lot C, common to the northeasterly corner of said Lot B; Thence, sixth course: N90°00'00"W, along the southerly boundary of said Tract 2, common to the northerly boundary of said Lot B, a distance of 218.05 feet, to the southwesterly corner of said Tract 2, common to the northwesterly corner of said Lot B, and common to the easterly edge of Right-of-Way of said Creek Drive; Thence, seventh course: N00°00'00"E, along the westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 123.00 feet, to the westerly corner of said Tract 2, common to a corner on the easterly edge of Right-of-Way of said Creek Drive; Thence, eighth course: N25°26'00"E, along the westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 45.50 feet, to the northwesterly corner of said Tract 2, common to the southwesterly corner of said Tract 4, and common to the easterly edge of Right-of-Way of said Creek Drive, and the Point of Beginning, located at 1600 Creek Drive.

27. 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 3960 Corral Drive.
28. No. 03SV028 - A request by Dream Design International for Doyle Estes (DTH LLC) for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, watermain and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code** 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. 03SV029 - A request by Fisk Land Surveying & Consulting Engineers for Canyon Lake Church of God for a **Variance to the Subdivision Regulations to allow a sidewalk on one side of streets in lieu of both sides as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Hillsvie Subdivision #2 and dedicated right-of-way, Section 4, SW1/4 SW1/4 of T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 in SW1/4 SW1/4, less Lot H1 and H2 of said Lot 1 of the SW1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1829 Hillsvie Drive.
30. No. 03SV030 - A request by Fisk Land Surveying & Consulting Engineers for Dan O'Brien for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks on one side of the street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 33 of Block 10 of Fairway Hills PRD and dedicated Right-of-Way, located in the W1/2 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and a portion of Lot 3A of Fairway Hills PRD and a portion of the unplatted portion, less Lot H1, of the NW1/4 SW1/4 of Section 15, T1N, R7E, BHM, located in the W1/2 of Section 15, T1N, R7E,

BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Sheridan Lake Road and Heidiway Lane and along Fairway Hills Drive.

End of Continued Items Consent Calendar

Alcoholic Beverage License Applications

This was the time set for hearing on the application of the Rapid City Fine Arts Council dba **Dahl Arts Center**, 713 Seventh Street, for a Special Malt Beverage License to be used on September 26, 2003 at the Dahl Museum. Upon motion made by Hanks seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of the Rapid City Fine Arts Council dba **Dahl Arts Center**, 713 Seventh Street, for a Special Wine License to be used on September 26, 2003 at the Dahl Museum. Upon motion made by Hanks seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of the Rapid City Fine Arts Council dba **Dahl Arts Center**, 713 Seventh Street, for a Special Malt Beverage License to be used on October 24, 2003 at the Dahl Museum. Upon motion made by Hanks seconded by Rodriguez and carried, the Council approved the application.

This was the time set for hearing on the application of the Rapid City Fine Arts Council dba **Dahl Arts Center**, 713 Seventh Street, for a Special Wine License to be used on October 24, 2003 at the Dahl Museum. Upon motion made by Hanks seconded by Rodriguez and carried, the Council approved the application.

This was the time set for hearing on the application of the Rapid City Softball Association, for a Special Malt Beverage License to be used on October 4, 2003 at the Fine Arts Building at the Central States Fairgrounds, for the **Darwin Shoop Benefit Fundraiser**. Upon motion made by Hanks seconded by Rodriguez and carried, the Council approved the application.

Consent Calendar Items – 36-75

The following items were removed from the Consent Calendar:

36. Approve a request from Fischer Furniture to erect tent in the public right-of-way at 1710 West Main Street beginning September 23 until October 5, 2003; and naming the City of Rapid City as an additional insured.
45. No. PW090903-11 - Authorize Mayor and Finance Officer to sign a Professional Service Agreement with Ferber Engineering Company, Inc. to Design East Mall Drive from East North Street to Dyess Avenue Project No. SSW03-1334 for an amount not to exceed \$91,345.

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

Public Works Committee Consent Items

37. No. PW090903-01 – Approve Change Order No. 02F for Knollwood Detention Pond Element 310 Project No. DR00-902 to RCS Construction, Inc. for an increase of \$13,004.88.
38. No. PW090903-02 - Approve Change Order No. 03 for Omaha Street Water & Sewer Utilities and Median Beautification Project Nos. SSW02-1106 & PR02-1215 to Stanley J. Johnsen Concrete Contractor, Inc. for an increase of \$19,013.87.

- 39. No. PW090903-03 - Approve Change Order No. 02F for Carriage Hills Water Transmission Main Extension Project No. W02-1234 to Mainline Contracting, Inc. for an increase of \$1,675.60.
- 40. No. PW090903-04 - Approve Changer Order No. 01F for Canyon Lake Park Improvements Project No. PR03-1273 to Simon Contractors of South Dakota for an increase of \$654.65.
- 41. No. PW090903-05 - Authorize staff to advertise for bids for Paper Refuse Bags for Solid Waste Operations.
- 42. No. PW090903-06 - Authorize staff to advertise for bids for Water Treatment Plant Roof Repair Project No. WTP03-1259.
- 43. No. PW090903-08 - Authorize Mayor and Finance Officer to sign First Amendment to the Sewer Service Agreement with Black Hawk Sanitary District.
- 44. No. PW090903-10 - Authorize Mayor and Finance Officer to sign a Professional Service Agreement with Fisk Land Surveying & Consulting Engineers, Inc. to Design Heidiway Lane Sanitary Sewer Extension Project No. SS01-1061 for an amount not to exceed \$11,715.
- 46. Authorize Mayor and Finance Officer to sign a Professional Service Agreement with CETEC Engineering Services, Inc. to Perform Water Right Acquisition Negotiations for Rapid City for an amount not to exceed \$2,500.
- 47. No. PW090903-13 - Approve a Resolution for Application for Land and Water Conservation Fund a matching grant for public outdoor recreation projects.
- 48. No. 03TP006 - Approve the Final 2004-2008 Transportation Improvement Program.
- 49. No. PW090903-14 - Approve the Eglin Street Corridor Study.
- 50. No. 03VE010 - Approve a Vacation of Utility and Minor Drainage Easement for Fisk Land Surveying & Consulting Engineers for Debra Ross located at 3711 Lawrence Drive.

**RESOLUTION OF VACATION OF UTILITY
AND MINOR DRAINAGE EASEMENT**

WHEREAS it appears that a portion of the utility and minor drainage easement on Lot 3 of Block 3 of Northridge Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3711 Lawrence Drive is not needed for public purpose; and

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

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

Dated this 15th day of September, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 51. No. 03VE012 - Deny without prejudice a Vacation of a Minor Drainage Easement for Hermanson Egge Engineering, Inc. for Robert Pagan on Lot 3R of Pinedale Heights, Section 5, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of West Main Street along Pinedale Heights Drive.

Legal & Finance Committee Consent Items

- 52. No. LF091003-01 – Approve Travel Request for Mayor Shaw and Ron Kroeger to attend the National League of Cities in Nashville, TN, from December 9-13, 2003, in an approximate amount of \$3,274.
- 53. Request that staff draft an ordinance specifying that the Council minutes in written form are the official journal.
- 54. No. LF091003-02 - Authorize Mayor and Finance Officer to sign Cooperative Agreement between Rapid City Police Department and Bureau of Alcohol, Tobacco, Firearms and Explosives.
- 55. No. LF091003-03 – Authorize Mayor and Finance Officer to sign Contracts with the Department of Environment and Natural Resources for the Air Quality Program.
- 56. No. 03TP007 – Authorize Mayor and Finance Officer to Sign Joint Cooperative Agreement Incorporating Meade County as a participant of the Metropolitan Planning Organization.
- 57. No. 03TP008 – Approve the Citizens Advisory Committee Bylaws, the Technical Coordinating Committee Bylaws and the Executive Policy Committee Bylaws Operations Plan as approved by the Rapid City Metropolitan Planning Organization.
- 58. No. 03TP009 – Approve the Operations Plan as approved by the Rapid City Metropolitan Planning Organization to incorporate a portion of Meade County.
- 59. No. 03TP010 – Approve Participation Plan as approved by the Rapid City Metropolitan Planning Organization to incorporate a portion of Meade County.
- 61. No. LF081303-13 – Approve Resolution to Amend the AFSCME Union Compensation Wage Plan to Establish the Position of Traffic Operations Worker.

RESOLUTION TO AMEND THE
 AFSCME UNION COMPENSATION WAGE PLAN
 TO ESTABLISH THE POSITION OF TRAFFIC OPERATIONS WORKER

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

WHEREAS, the evaluation established that the duties and responsibilities of the following position justify placing the classification within the named Grade of the AFSCME Union pay scale;

Job Title	Grade	Wage
Traffic Operations Worker	11	\$12.91 to 19.65/hr.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the AFSCME Union Pay Plan by adding the above position classification description at the grade recommended in the job evaluation.

Passed this 15th day of September, 2003

ATTEST: s/ James F. Preston Finance Officer (SEAL)	THE CITY COUNCIL s/ Jim Shaw, Mayor
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- 62. No. LF081303-14 – Approve Resolution to Amend the AFSCME Union Compensation Wage Plan to Establish the Position of Water Reclamation Maintenance Technician.

RESOLUTION TO AMEND THE AFSCME UNION
COMPENSATION WAGE PLAN TO ESTABLISH THE POSITION
OF WATER RECLAMATION MAINTENANCE TECHNICIAN

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

WHEREAS, the evaluation established that the duties and responsibilities of the following position justify placing the classification within the named Grade of the AFSCME Union pay scale;

Job Title	Grade	Wage
Water Reclamation Maintenance Technician \$25.08/hr.	16	\$16.48 to

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the AFSCME Union Pay Plan by adding the above position classification description at the grade recommended in the job evaluation.

Passed this 15th day of September, 2003

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

- 63. No. LF091003-06 – Authorize Mayor and Finance Officer to sign Instructional Contract Proposal.
- 64. Change the following Legal & Finance Committee meeting dates: November 26, 2003, to November 24, 2003; and December 31, 2003, to December 29, 2003.
- 65. No. LF091003-07 – Authorize Mayor and Finance Officer to sign Contract Renewal with Johnson Controls for Milo Barber Center at an annual cost of \$4,564 (3% increase).
- 66. No. LF091003-08 – Authorize Mayor and Finance Officer to sign Contract Renewal with Johnson Controls for Energy Plant at an annual cost of \$13,500 (3% Increase).
- 67. No. LF091003-10 – Approve Travel Request for Theresa Maule to attend Zoning & Land Use in South Dakota Seminar in Sioux Falls, South Dakota, from October 22-23, 2003, in the approximate amount of \$615.
- 68. No. LF091003-14 – Approve the following abatement: Janet L. Lester, 2002, \$1,618.70.
- 69. Approve the following licenses: Plumber: Daryl Aston, Scott M. Martin; Security Business: Aramark Facility Services, Michael David Gebeke; Sewer & Water Journeyman: Jeremy Larson.

Planning Department Consent Items

- 70. No. 03PL055 – Approve the request by TSP Three, Inc. for Wellington Heights, LLC for a **Preliminary and Final Plat**, located at 6715 Wellington Drive.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 2, 3, 4, 16A, 16B, 17A, 17B and 29, and Wellington Court dedicated Public Right of Way, all of Wellington Heights Subdivision, (formerly a portion of Lot B of Cleary Subdivision) all located in the NW1/4 NE1/4 and the SW1/4 NE1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota,

was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lots 2, 3, 4, 16A, 16B, 17A, 17B and 29, and Wellington Court dedicated Public Right of Way, all of Wellington Heights Subdivision, (formerly a portion of Lot B of Cleary Subdivision) all located in the NW1/4 NE1/4 and the SW1/4 NE1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 15th day of September, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 71. No. 03PL069 – Approve the request by Renner & Sperlich Engineering for Thomas J. Farrar for a **Preliminary and Final Plat** located along Samco Road.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 6A & 6B of Block 2, Century Park Subdivision (formerly Lot 6 of Block 2 of Century Park Subdivision) located in E1/2 of SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Lots 6A & 6B of Block 2, Century Park Subdivision (formerly Lot 6 of Block 2 of Century Park Subdivision) located in E1/2 of SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved, and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 15th day of September, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 72. No. 03PL077 – Approve the request by Centerline, Inc. for 3 T's Land Development LLC for a **Final Plat** located west of the intersection of Minnesota Street and 5th Street.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Minnesota Ridge Subdivision: Plat of Lots 31 through 40 (formerly a portion of Tract C of Robbinsdale Addition No. 10) located in SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Minnesota Ridge Subdivision: Plat of Lots 31 through 40 (formerly a portion of Tract C of Robbinsdale Addition No. 10) located in SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 15th day of September, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 73. No. 03PL078 - A request by Centerline for 3 T's Land Development LLC for a **Final Plat** located west of the intersection of 5th Street and Minnesota Street.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 9A and 9B in Block 28 of Robbinsdale Addition No. 10 (formerly Lot 9 in Block 28 of Robbinsdale Addition No. 10 and a portion of Tract C of Minnesota Ridge Subdivision) located in NW1/4 NE1/4 SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Lots 9A and 9B in Block 28 of Robbinsdale Addition No. 10 (formerly Lot 9 in Block 28 of Robbinsdale Addition No. 10 and a portion of Tract C of Minnesota Ridge Subdivision) located in NW1/4 NE1/4 SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer is hereby

authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 15th day of September, 2003.

ATTEST: s/ James F. Preston Finance Officer (SEAL)	CITY OF RAPID CITY s/ Jim Shaw, Mayor
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- 74. No. 03PL080 – Approve the request by FMG, Inc. and John Nooney for GELD, LLC and Williston Basin Interstate Pipeline Company for a **Layout, Preliminary and Final Plat** located west of Haines Avenue and north of I-90.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 1 through 3 of Block 1 of Geld Subdivision, formerly Parcel 5 of NE1/4 NW1/4 of Section 25, T2N, R7E, and a portion of Parcel 8 of N1/2 NW1/4 of Section 25, T2N, R7E, and Lot 2 of Block 1 of Tires Plus Addition, and a portion of the unplatted balance of NE1/4 NW1/4 of Section 25, T2N, R7E, all located in NE1/4 of NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lots 1 through 3 of Block 1 of Geld Subdivision, formerly Parcel 5 of NE1/4 NW1/4 of Section 25, T2N, R7E, and a portion of Parcel 8 of N1/2 NW1/4 of Section 25, T2N, R7E, and Lot 2 of Block 1 of Tires Plus Addition, and a portion of the unplatted balance of NE1/4 NW1/4 of Section 25, T2N, R7E, all located in NE1/4 of NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 15th day of September, 2003.

ATTEST: s/ James F. Preston Finance Officer (SEAL)	CITY OF RAPID CITY s/ Jim Shaw, Mayor
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- 75. No. 03VE011 – Approve the request by Renner & Sperlich Engineering Co. for Dr. Paul Reinke for a **Vacation of Note on Plat** located along Wilderness Canyon Road.

RESOLUTION OF VACATION OF
NOTE ON A PLAT

WHEREAS the Rapid City Council held a public hearing on the 15th day of September, 2003 to consider the modification of a note on the plat for Lot 15, Copper Oaks #2,

located in the N1/2 NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located along Wilderness Canyon Road; and good cause appearing therefore

BE IT RESOLVED by the Rapid City Council that the note on the plat identifying the building setbacks be vacated on all pages of the original Plat on which it appears.

BE IT FURTHER RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Resolution of Vacation of Note on Plat be approved for Lot 15, Copper Oaks #2, located in the N1/2 NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, as shown on Exhibit A.

Dated this 15th day of September, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

END OF CONSENT CALENDAR

The next item discussed by the Council was a request from Fischer Furniture to erect **tent in the public right-of-way** at 1710 West Main Street beginning September 23 until October 5, 2003; and naming the City of Rapid City as an additional insured. Motion was made by Kroeger and seconded by Rodriguez to approve the request. Asst. City Attorney Jason Green stated that this request violates the current structures in the right-of-way ordinance. Upon vote being taken, the motion carried unanimously.

Mayor Shaw presented No. PW090903-11 - Authorize Mayor and Finance Officer to sign a Professional Service Agreement with Ferber Engineering Company, Inc. to Design **East Mall Drive from East North Street to Dyess Avenue** Project No. SSW03-1334 for an amount not to exceed \$91,345. It was noted that no funding has been identified for this project. Motion was made by Hadley, seconded by Waugh and carried to continue this item to October 6, 2003 so that project can be reviewed by the CIP Committee.

Public Hearings

The Mayor announced that the meeting was open for consideration of the assessment roll for **Sidewalk Improvement Project SWK02-1139** (No. CC091503-02). Notice of hearing was published in the Rapid City Journal on September 8, 2003 and mailed to affected property owners on September 2, 2003. No oral or written comments were submitted. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR
SIDEWALK IMPROVEMENTS PROJECT SWK02-1139

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

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

2. The assessment roll for Sidewalk Improvements Project SWK02-1139 is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in five annual installments bearing interest at the rate not to exceed nine percent (9%).

Dated this 15th day of September, 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 Waugh. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

Planning Department – Hearings

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

The Mayor presented No. 03SV031, a request by Renner & Sperlich Engineering Co. for Eldene Henderson for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 7R and Lot 8R of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 7 and Lot 8 of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along North Haines Avenue. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested Variance.

The Mayor presented No. 03VR009, a request by Dream Design International, Inc. for a **Vacation of Right-of-Way** located at 225 East Watertown Street. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION OF VACATION
OF RIGHT-OF-WAY

WHEREAS it appears that a portion of the public right-of-way on Lots 1 thru 3 of Block 7 of Schnasse Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 225 East Watertown Street is not needed for public purposes; and

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

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

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

Dated this 15th day of September, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Kroeger. Planning Director Elkins explained that the area being vacated meets the city's requirement for the width for this area. However, because of the way the street is constructed, it doesn't meet the specific design. Staff feels that the city will have adequate right-of-way if the vacation proceeds. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

Ordinances & Resolutions

Ordinance 3967 (No. 03OA007) entitled An Ordinance Increasing the Spacing Requirements for Adult Oriented Businesses from 400 Feet to 1000 Feet and to Clarify the Prohibition of Adult Oriented Businesses in the Central Business District by Amending Chapter 17.50 of the Rapid City Zoning Ordinance, was introduced. Motion was made by Hanks and seconded by French to approve first reading and set second reading for Monday, October 6, 2003. Rodriguez asked if this ordinance change had been reviewed by the AOB Committee. Planning Director Elkins explained that the City Council determined that this ordinance should not go through the AOB Committee but directly to the City Council. She added that the ordinance was reviewed and recommended for approval by the Planning Commission. Upon vote being taken, the motion carried with Murphy voting no.

Ordinance 3969 (No. LF082703-04) entitled An Ordinance Amending the Regulations of Parking within the City of Rapid City by Amending Sections 10.40.010, 10.40.020, 10.40.030, 10.40.040, 10.40.050, 10.40.100, 10.40.120, 10.40.160, 10.40.170 of Chapter 10.40 and Sections 10.44.010, 10.44.020, 10.44.040, 10.44.050, 10.44.060, and 10.44.150 of Chapter 10.44 of the Rapid City Municipal Code, having had the first reading on September 2, 2003, it was moved by Hanks and seconded by Partridge that the title be read the second time. Kriebel stated that he doesn't feel traffic should be able to block an alley for any length of time. Roll call vote was taken: AYE: Hanks, Kooiker, Murphy, Rodriguez, Hadley and Partridge; NO: Kroeger and Kriebel, whereupon the Mayor declared the motion passed and Ordinance 3969 was declared duly passed upon its second reading.

Ordinance 3970 (No. LF082703-05) entitled An Ordinance Amending the Renewal Fee for Class B Electrical Licenses by Amending Section 15.16.020(G), License Fees, of Chapter 15.16 of the Rapid City Municipal Code, having had the first reading on September 2, 2003, it was moved by Hanks and seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley,

Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3970 was declared duly passed upon its second reading.

Ordinance 3971 (No. LF082703-06) entitled An Ordinance Amending the Provisions for Failure to Pay Water Bill by Amending Section 13.04.660 of Chapter 13.04 of the Rapid City Municipal Code, having had the first reading on September 2, 2003, it was moved by Hanks and seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3971 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on **Ordinance 3973**, (No. 03RZ029) a request by the City of Rapid City for Walter Linderman for a **Rezoning from No Use District to Medium Density Residential District** on the following property: A portion of Lots 3 thru 6, Block 1 Terracita Park Subdivision, Section 13, T1N, R7E, BHM Rapid City, Pennington County, South Dakota, more fully described by metes and bounds as follows: Lots 3 thru 6, Block 1, Terracita Park Subdivision, Section 13 less a portion of the S1/2 NW1/4 SE1/4, Section 13, T1N, R7E, BHM Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwest corner of Block 27 of Robbinsdale Addition No. 10, Thence, N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 92.68 feet, to the Point of Beginning; Thence, first course: N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 537.51 feet, to the westerly edge of the right-of-way of Fifth Street; Thence, second course: southeasterly, along the westerly edge of said Fifth Street right-of-way, curving to the right on a curve with a radius of 1345.32 feet, a delta angle of 02°36'31", a length of 61.25 feet, a chord bearing of S16°44'21"E, and a chord distance of 61.25 feet; Thence, third course: S89°41'26"W, a distance of 554.84 feet; Thence, fourth course: N00°18'34"W, a distance of 58.94 feet, to a point on the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, and the Point of Beginning; and, BEGINNING at the northwesterly corner of said Parcel of Land, said corner bears S57°50'33" E a distance of 109.85 feet from the southwesterly corner of Block 27 of Robbinsdale No. 10 which is marked by a 5/8" rebar with survey cap stamped LS 3095 said Block 27 being recorded in the Pennington County Register of Deeds Office in plat book 27, page 182, said corner being known as the true Point of Beginning; THENCE FIRST COURSE: a bearing of N89°41'26" E and a distance of 554.84 feet to an intersection with the westerly Right of Way line of Fifth Street as recorded in the Pennington County Register of Deeds Office in plat book 27, page 181; THENCE SECOND COURSE: along said Fifth Street Right of Way line along a curve with a radius of 1345.32 feet and an arc length of 288.80 feet (Chord Bearing of S09°17'06" E and a distance of 288.25 feet) to an angle point corner of said Fifth Street Right of Way line, which is marked by a 5/8" rebar with survey cap stamped LS 2652; THENCE THIRD COURSE: continuing along said Fifth Street Right of Way line a bearing of S67°58'34" W and a distance of 41.30 feet to an angle point corner of said Fifth Street Right of Way line, which is marked by a 5/8" rebar with survey cap stamped LS 2652; THENCE FOURTH COURSE: a bearing of S89°41'26" W and a distance of 561.44 feet to the southwesterly corner of said parcel of land; THENCE FIFTH COURSE: a bearing of N00°18'34"W and a distance of 300.00 feet to the Point of Beginning; Said Parcel of land contains 4.011 acres more or less. Said Parcel of land is located in the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Minnesota Street and Fifth Street; that portion lying within Lots 3 thru 6, Block 1, Terracita Park Subdivision, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Alta Vista Drive and Minnesota Street. Notice of hearing was published in the Rapid City Journal on September 6 and September 13, 2003. Ordinance 3973, having had the first reading on September 2, 2003, it was moved by Hanks and seconded by Murphy that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of

Ordinance 3973 the second time.

Ordinance 3975 (No. LF091003-12) entitled An Ordinance to Eliminate Water Impact Fees by Repealing Sections 13.04.800, 13.04.810, and 13.04.820 of the Rapid City Municipal Code Regarding Impact Fees, was introduced. Motion was made by Hanks and seconded by Waugh to approve first reading and set second reading for Monday, October 6, 2003. Roll call vote was taken: AYE: Hanks, Kooiker, Rodriguez, Waugh, Hadley, Kroeger and Partridge; NO: Murphy and Kriebel. Motion carried, 7-2.

Ordinance 3976 (No. LF091003-11) entitled An Ordinance Amending the Property Known as Rapid City Regional Airport by Amending Section 13.12.080 of Chapter 13.12 of the Rapid City Municipal Code, was introduced. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 3976 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, October 6, 2003.

Ordinance 3977 (No. 03RZ031) a request by Walgar Development for a **Rezoning from Low Density Residential District to Low Density Residential II District** on Lot 19, Block 2, Robbinsdale No. 9; Lot 26, Block 13, Robbinsdale No. 8; Lot 42, Block 11, Robbinsdale No. 8; all located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Sitka Street, was introduced. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 3977 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, October 6, 2003 at 7:00 P.M.

Ordinance 3978 (No. 03RZ032) a request by Walgar Development for a **Rezoning from Low Density Residential II District to Medium Density Residential District** on Lot 16, Block 28, Robbinsdale No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of Alta Vista Drive and Anamaria Drive, was introduced. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 3978 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, October 6, 2003 at 7:00 P.M.

Ordinance 3979 (No. 03RZ033) a request by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the following property, was introduced: The balance of Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot 2 of Tract A of the NE1/4 SW1/4, Lot H1 in Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot H1 in Lot 1 of the Well Addition in the SW1/4, Lot H1 in the N1/2 SE1/4 NW1/4, Lot H2 in the N1/2 SW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, Lot H5 in the NE1/4 NW1/4 lying south and west of SD Highway 44, and Lot H2 in the NW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, the 100 foot South Dakota Railroad Authority right-of-way lying adjacent and north of Lot H2 in the NW1/4NE1/4 and Lot H5 in the NE1/4NW1/4 and Lot H2 in the N1/2SW1/4NE1/4, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; and, Lot H1 amending the original plat of Lot H1 as recorded in Book 9 Hwy of Plats – Page 54 – dated January 5, 1998 in the N1/2NW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota; and, Lot H1 amending the original plat of Lot H1 as recorded in Book 9 Hwy of Plats – Page 52 – dated January 5, 1998 in the S1/2NW1/4 of Section 16, T1N, R8E, BHM, excepting therefrom the following described land: the west 210 feet of the north 600 feet of the NE1/4SE1/4NW1/4 and the east 190 feet of the north 600 feet of the NW1/4SE1/4NW1/4 of said Section 16; the balance of the S1/2NE1/4SE1/4NW1/4 of said Section 16; and the SW1/4SW1/4SW1/4NW1/4 of said Section 16, Pennington County, South Dakota; and, Lot H1 in the NE1/4SE1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota, located south of SD Highway 44, west of Jolly Lane Drive and east of SD Highway 79. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 3979 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, October 6, 2003 at 7:00 P.M.

Ordinance 3980 (No. 03RZ034) a request by City of Rapid City and Walter Linderman for a **Rezoning from Office Commercial District to Medium Density Residential District** on the following property, was introduced: A portion of Lots 3 thru 6, Block 1 Terracita Park Subdivision, Section 13, T1N, R7E, BHM Rapid City, Pennington County, South Dakota, more fully described by metes and bounds as follows: Commencing at the southwest corner of Block 27 of Robbinsdale Addition No. 10, Thence, N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 92.68 feet, to the Point of Beginning; Thence, first course: N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 537.51 feet, to the westerly edge of the right-of-way of Fifth Street; Thence, second course: southeasterly, along the westerly edge of said Fifth Street right-of-way, curving to the right on a curve with a radius of 1345.32 feet, a delta angel of 02°36'31", a length of 61.25 feet, a chord bearing of S16°44'21"E, and a chord distance of 61.25 feet; Thence, third course: S89°41'26"W, a distance of 554.84 feet; Thence, fourth course: N00°18'34"W, a distance of 58.94 feet, to a point on the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, and the Point of Beginning; and, BEGINNING at the northwesterly corner of said Parcel of Land, said corner bears S57°50'33" E a distance of 109.85 feet from the southwesterly corner of Block 27 of Robbinsdale No. 10 which is marked by a 5/8" rebar with survey cap stamped LS 3095 said Block 27 being recorded in the Pennington County Register of Deeds Office in plat book 27, page 182, said corner being known as the true Point of Beginning; THENCE FIRST COURSE: a bearing of N89°41'26" E and a distance of 554.84 feet to an intersection with the westerly Right of Way line of Fifth Street as recorded in the Pennington County Register of Deeds Office in plat book 27, page 181; THENCE SECOND COURSE: along said Fifth Street Right of Way line along a curve with a radius of 1345.32 feet and an arc length of 288.80 feet (Chord Bearing of S09°17'06" E and a distance of 288.25 feet) to an angle point corner of said Fifth Street Right of Way line, which is marked by a 5/8" rebar with survey cap stamped LS 2652; THENCE THIRD COURSE: continuing along said Fifth Street Right of Way line a bearing of S67°58'34" W and a distance of 41.30 feet to an angle point corner of said Fifth Street Right of Way line, which is marked by a 5/8" rebar with survey cap stamped LS 2652; THENCE FOURTH COURSE: a bearing of S89°41'26" W and a distance of 561.44 feet to the southwesterly corner of said parcel of land; THENCE FIFTH COURSE: a bearing of N00°18'34"W and a distance of 300.00 feet to the Point of Beginning; Said Parcel of land contains 4.011 acres more or less. Said Parcel of land is located in the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Minnesota Street and Fifth Street; that portion lying within Lots 3 thru 6, Block 1, Terracita Park Subdivision, Section 13, T1N, R7E, BHM. Rapid City, Pennington County, South Dakota, located northeast of the intersection of Alta Vista Drive and Minnesota Street. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 3980 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, October 6, 2003 at 7:00 P.M.

Ordinance 3981 (No. 03RZ035), a request by William Schleinig for a **Rezoning from General Commercial District to Public District** on the following property, was introduced: A portion of Lot 3 of Moon Ridge Subdivision located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the northeasterly corner of said Lot 3 of Moon Ridge Subdivision and the Point of Beginning; thence, first course: S07°20'00"W, along the easterly boundary of said Lot 3, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 1337.09 feet, to the southeasterly corner of said Lot 3, common with the northeasterly corner of the right-of-way of Moon Meadows Drive; thence, second course: N82°35'35"W, along the northerly edge of the right-of-way of said Moon Meadows Drive, a distance of 42.53 feet, to a point of curve; thence, third course: northwesterly, along the northerly edge of the right-of-way of said Moon Meadows Drive, curving to the left on a curve with a radius of 1050.00 feet,

a delta angle of $06^{\circ}35'17''$, an arc length of 120.73 feet, a chord bearing of $N86^{\circ}00'00''W$, and a chord distance of 120.67 feet, to a point of tangency; thence, fourth course: $N89^{\circ}15'53''W$, along the northerly edge of the right-of-way of said Moon Meadows Drive, a distance of 337.71 feet; thence, fifth course: $N89^{\circ}16'12''W$, along the northerly edge of the right-of-way of said Moon Meadows Drive, a distance of 231.26 feet, to the southwesterly corner of said Lot 3 of Moon Ridge Subdivision, common with the southeasterly corner of Lot 1 of Moon Ridge Subdivision; thence, sixth course: $N00^{\circ}12'56''E$, along the westerly boundary of said Lot 3 of Moon Ridge Subdivision, common with the easterly boundary of said Lot 1 of Moon Ridge Subdivision, a distance of 245.52 feet; thence, seventh course: $N26^{\circ}53'52''E$, a distance of 990.49 feet; thence eighth course: $N07^{\circ}53'52''E$, a distance of 178.06 feet, to a point on the northerly boundary of said Lot 3 of Moon Ridge Subdivision; thence, ninth course: $N89^{\circ}53'10''E$, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 818.71 feet, to the northeasterly corner of said Lot 3 of Moon Ridge Subdivision, and the Point of Beginning; said parcel contains 18.177 acres more or less, located at the intersection of U.S. Highway 16 and Moon Meadows Road. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 3981 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, October 6, 2003 at 7:00 P.M.

Ordinance 3982 (No. 03RZ036) a request by William Schleining for a **Rezoning from Medium Density Residential District to Public District** on the following property, was introduced: A portion of Lot 3 of Moon Ridge Subdivision located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the northwesterly corner of said Lot 3 of Moon Ridge Subdivision and the Point of Beginning; thence, first course: $N89^{\circ}53'10''E$ along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 818.71 feet; thence, second course: $S07^{\circ}53'52''W$, a distance of 178.06 feet; thence, third course: $S26^{\circ}53'52''W$, a distance of 990.49 feet, to the easterly boundary of Lot 1 of Moon Ridge Subdivision; thence, fourth course: $N00^{\circ}12'56''E$, a distance of 169.48 feet, to the northeasterly corner of said Lot 1 of Moon Ridge Subdivision; thence, fifth course: $N89^{\circ}16'12''W$, along the northerly boundary of said Lot 1 of Moon Ridge Subdivision, a distance of 350.00 feet, to the northwesterly corner of said Lot 1 of Moon Ridge Subdivision, common with the southwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, sixth course: $N00^{\circ}12'56''E$, along the westerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 446.88 feet; thence, seventh course: $N00^{\circ}11'53''E$ along the westerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 436.16 feet, to the northwesterly corner of said Lot 3 of Moon Ridge Subdivision, and the Point of Beginning; said parcel contains 13.469 acres more or less, located at the intersection of U.S. Highway 16 and Moon Meadows Road. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 3982 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, October 6, 2003 at 7:00 P.M.

Ordinance 3983 (No. 03RZ037) a request by Renner and Sperlich for Doeck, LLC for a **Rezoning from No Use District to Medium Density Residential District** on the following property, was introduced: A portion of the NW1/4 of the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the southwest corner of Lot 11 of Block 6 of Auburn Hills Subdivision, and the Point of Beginning; thence, first course: $S00^{\circ}12'10''W$, along a 1/16 Section Line of Section 13, a distance of 59.68 feet, to the Southwest 1/16 Section Corner of said Section 13; thence, second course: $S89^{\circ}42'30''W$, along the 1/16 Section Line of said Section 13, a distance of 1319.48 feet, to the South 1/16 Section Corner common to Sections 13 and 14; thence, third course: $N00^{\circ}02'42''E$, along the 1/16 Section Line common to Sections 13 and 14, a distance of 430.21 feet; thence, fourth course: easterly, curving to the right on a curve with a radius of 474.00 feet, a delta angle of $09^{\circ}57'36''$, an arc length of 82.40 feet, a chord bearing of $N85^{\circ}13'22''E$, and a chord distance of 82.29 feet, to a point of tangency; thence, fifth course:

S89°47'50"E, a distance of 632.92 feet, to a point of curve; thence, sixth course: easterly, curving to the right on a curve with a radius of 274.00 feet, a delta angle of 30°10'33", an arc length of 144.31 feet, a chord bearing of S74°42'34"E, and a chord distance of 142.65 feet, to a point of tangency; thence, seventh course: S59°37'17"E, a distance of 178.46 feet, to a point of curve on the southerly edge of the right-of-way of Auburn Drive; thence, eighth course: easterly, along the southerly edge of the right-of-way of said Auburn Drive, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 30°27'47", an arc length of 173.33 feet, a chord bearing of S74°51'10"E, and a chord distance of 171.29 feet, to a point of tangency; thence, ninth course: N89°54'56"E, along the southerly edge of the right-of-way of said Auburn Drive, a distance of 66.02 feet, to a point of curve; thence, tenth course: easterly, along the southerly edge of the right-of-way of said Auburn Drive, curving to the right on a curve with a radius of 274.00 feet, a delta angle of 17°26'22", an arc length of 83.40 feet, a chord bearing of S81°21'53"E, and a chord distance of 83.08 feet, to the northwesterly corner of said Lot 11 of Block 6 of Auburn Hills Subdivision; thence eleventh course: S00°12'10"W along the westerly boundary of said Lot 11 of the Block 6 of Auburn Hills Subdivision, a distance of 183.43 feet, to the southwesterly corner of said Lot 11 of Block 6 of Auburn Hills Subdivision, and the Point of Beginning; said parcel contains 11.564 acres more or less, located at the intersection of Chalkstone Drive and Auburn Drive. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 3983 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, October 6, 2003 at 7:00 P.M.

Legal & Finance Committee Items

The next item before the Council was a proposal to **Videotape** the Public Works and Legal & Finance Committee meetings. Motion was made by Kooiker and seconded by Rodriguez to approve. Rodriguez asked three questions: 1) Who would pay for this service; 2) Where will the video tapes be stored, and 3) Why do we need to tape committee meetings. Hanks explained that there was discussion on this item at the last committee meeting. The cost is very minimal because only the wide-shot camera (unattended mode) would be used and no operator would be needed. Finance Officer Preston explained that if the Council decided to hire an individual to tape these meetings, funding for that would probably come from the Council Contingency Fund. Computer Center Director Doug Aldrich explained that it is anticipated that the media used to record the meetings will be changed to DVDs. This will greatly reduce the amount of storage space needed. Murphy expressed concern about an increase in the operation cost for this service and additional use of the equipment which will increase maintenance costs. Also, there will be an increase in the time on Channel 2 if these meetings are to be aired. This will cause problems for the Fire Department who uses this channel for training purposes during the day. Mayor Shaw noted that there has been an inquiry from the School District to use this equipment to record School Board meetings which would result in some cost-sharing. Fire Chief Shepherd informed the Council that a meeting has been scheduled with the School district about hiring an individual to video tape public meetings and perform maintenance on the equipment. Kooiker encouraged the Council to support the motion to videotape committee meetings. The City recently spent a great deal of money to remodel the Council Chambers and install the equipment to tape meetings. Also, if the goal of the Council is to have the committees handle the majority of the discussion on issues, then it is imperative that the meetings be video taped so that everyone knows what took place and the community knows what is going on. Kriebel stated that if the goal is to do the bulk of the work at the committee level, he feels that is a disservice to the community. He added that the general public will not see the committee meetings on television before the council meeting on Monday night. Kriebel stated that he feels the City's business should be done on Monday nights when the meeting is taped and re-broadcast. If the goal is to have shorter Council meetings, then perhaps we should go to four Council meetings per month and no committee meetings. Kriebel suggested that an audio tape be made of the meetings and a link to this audio feed be added to the web page. Rodriguez stated that she has a problem with reducing

the amount of time Channel 2 is available for the Fire Department to use for training purposes. Partridge stated that it is vital that Channel 2 be kept viable for training for the Fire Department. Adding the broadcast of committee meetings to this channel takes away from the goals and needs of the Fire Department. Substitute motion was made by Kooiker and seconded by Rodriguez to continue discussion of this item to the next Legal & Finance Committee meeting. Partridge noted that this has already been discussed at the committee level and it was submitted to the Council without recommendation. Hanks noted that additional information should be available relative to cost-sharing with the School District. Upon vote being taken, the motion carried unanimously.

The next item discussed was a change in the **committee structure** so that all Council members sit on the Public Works and Legal & Finance Committees. Motion was made by Kooiker and seconded by Rodriguez to continue this item to the next Legal & Finance Committee meeting. Upon vote being taken, the motion carried with Partridge voting no.

The next item before the Council was a request to **waive fees** for Mary Hall Park. Asst. City Attorney Jason Green distributed a copy of a resolution which was passed by the City Council which addresses waiving of certain building permit and planning fees. The resolution contemplates the only time the fees are waived is for certain government projects. Pursuant to the direction of the Committee, Green explained that he met with Jim Kissel on this issue. Some fees are required by statute and others are by ordinance. The recommendation from the City Attorney's Office is to follow the ordinance and not waive any of the fees. However, if the Council chooses, certain fees have been waived in the past. The total bill for fees for the Mary Hall Park project is \$1,597.08. Approximately \$566.73 represents fees that have been waived by the Council for other applicants. Motion was made by Hanks and seconded by Waugh to waive fees totaling \$566.73 based on prior actions of the City Council. (Fees for the following items are **not** waived: Floodplain, electrical, water impact fees and drainage basin fees.) Upon vote being taken, the motion carried unanimously.

Motion was made by Hanks and seconded by Rodriguez to direct staff to proceed with the **involuntary annexation** of South Valley Drive Sub-Area No. 3 (No. LF091003-04). Substitute motion was made by Kooiker and seconded by Hadley to continue this item and allow staff time to set up a meeting with the affected land owners to further pursue voluntary annexation. Roll call vote was taken: AYE: French, Kooiker, Murphy, Hadley and Kroeger; NO: Hanks, Rodriguez, Waugh, Kriebel and Partridge. Mayor Shaw voted AYE to break the tie, and the substitute motion carried, 6-5.

Ordinance 3984 entitled An Ordinance to Create the Department of Public Works by Repealing Chapter 2.46 of the Rapid City Municipal Code in its Entirety and Amending Chapter 2.44 of the Rapid City Municipal Code, was introduced. Motion was made by Hanks and seconded by Waugh to approve first reading and set second reading for Monday, October 6, 2003. Mayor Shaw submitted an organizational chart for the re-organization of departments on second floor of the City/School Administration Center. He explained that this chart has been modified from the original version. Originally the plan was to establish four new departments: Parks/Recreation, Growth Management, City Operations and City Infrastructure. While attempting to implement the reorganization without significant impact to the budget, it has been suggested that the City Operations Department not be established. This department basically deals with the three enterprise funds. Rather than create a new department, it was suggested that these departments be moved under Ted Vore in a traditional Public Works style department. Shaw went through the organizational chart and explained the changes that are proposed. He indicated that the re-organization is an evolving process that will change as it goes along. We want to make sure that ultimately we are providing the best service to the community in a most cost-efficient manner. Hanks withdrew his motion because he would like more time to review the proposal. There were no objections. Concern was expressed about the Public Works Department and whether an assistant is necessary. Vore stated that he doesn't feel an assistant is needed because there

are very good division managers in place for the various functions in the Public Works Department. Preston noted that the proposed structure does not provide a backup for the Public Works Director if he is not available. Motion was made by Kriebel and seconded by Hadley to approve first reading of Ordinance 3984, as distributed by the City Attorney's Office. It was noted that this item will come back to the Council for second reading on October 6, 2003. Upon vote being taken, the motion carried unanimously.

The next item discussed by the Council was No. LF081303-04 – A Resolution to Establish the Non-Union Position of **Development Service Center Coordinator**. The following Resolution was introduced, read and Hanks moved its adoption:

RESOLUTION TO ESTABLISH THE NON-UNION POSITION
OF DEVELOPMENT SERVICE CENTER COORDINATOR

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

WHEREAS, the evaluation established that the duties and responsibilities of the following position justify placing the classification within the named Grade of the Non-Union pay scale;

Job Title	Grade	Salary
Development Service Center Coordinator	25	\$55,702 to \$84,760/yr.

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

Passed this 15th day of September, 2003

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

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

Motion was made by Hanks, seconded by Rodriguez and carried to table No. LF081303-05 – Approve Resolution to Establish the Non-Union Position of **Director of City Infrastructure**.

Motion was made by Hanks, seconded by Rodriguez and carried to table No. LF081303-06 – Approve Resolution to Establish the Non-Union Position of **Director of City Operations**.

The Council considered No. LF081303-07, a Resolution to Establish the Non-Union Position of **Director of Growth Management**. The following Resolution was introduced, read and Hanks moved its adoption:

RESOLUTION TO ESTABLISH THE NON-UNION POSITION
OF DIRECTOR OF GROWTH MANAGEMENT

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

WHEREAS, the evaluation established that the duties and responsibilities of the following position justify placing the classification within the named Grade of the Non-Union pay scale;

Job Title	Grade	Salary
Director of Growth Management	27	\$67,412 to \$102,564/yr.

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

Passed this 15th day of September, 2003

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

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

The next item considered by the Council was No. LF081303-08 – Approve Resolution to Establish the Non-Union Position of **Director of Parks and Recreation**. Motion was made by Hanks and seconded by Rodriguez to approve the Resolution. Shaw suggested that this item be continued so that the position can be reviewed. Hanks withdrew the original motion. Motion was made by Kooiker, seconded by Waugh and carried to continue this item. Shaw indicated that this item will be brought back to the next Legal & Finance Committee meeting for review.

The Council considered No. LF081303-17, a Resolution to Establish the Non-Union Position of **Community Planning Coordinator**. The following Resolution was introduced, read and Hanks moved its adoption:

RESOLUTION TO ESTABLISH THE NON-UNION POSITION
OF COMMUNITY PLANNING COORDINATOR

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

WHEREAS, the evaluation established that the duties and responsibilities of the following position justify placing the classification within the named Grade of the Non-Union pay scale;

Job Title	Grade	Salary
Community Planning Coordinator	22	\$45,926 to \$69,888/yr.

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

Passed this 15th day of September, 2003

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

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

The Council considered No. LF081303-18, a Resolution to Establish the Non-Union Position of **Community Development Specialist**. The following Resolution was introduced, read and Hanks moved its adoption, with the notation that the position should be Grade 18:

RESOLUTION TO ESTABLISH THE NON-UNION POSITION
OF COMMUNITY DEVELOPMENT SPECIALIST

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

WHEREAS, the evaluation established that the duties and responsibilities of the following position justify placing the classification within the named Grade of the Non-Union pay scale;

Job Title	Grade	Salary
Community Development Specialist	18	\$37,793 to \$57,512/yr.

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

Passed this 15th day of September, 2003

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

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

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

RESOLUTION TO AMEND THE NON-UNION POSITION
OF BUILDING OFFICIAL

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

WHEREAS, the evaluation established that the duties and responsibilities of the following position justify placing the classification within the named Grade of the Non-Union pay scale;

Job Title	Grade	Salary
Building Official	19	\$39,686 to \$60,382/yr.

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

Passed this 15th day of September, 2003

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

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

The next item discussed by the Council was No. LF081303-10, a Resolution to **Abolish Position Titles** Within the City's Compensation Plan. The following Resolution was introduced, read and Hanks moved its adoption:

RESOLUTION TO ABOLISH POSITION TITLES WITHIN
THE CITY'S COMPENSATION PLAN

WHEREAS, various positions within the City have been newly established by ordinance or reclassified utilizing the Factor Evaluation System methodology to establish or reclassify positions within the city's compensation plan; and,

WHEREAS, the following position titles shall be removed from the compensation pay plan:

Community Development Director
Planning Director

Sanitation Worker
Sanitation Truck Driver

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the Compensation Plan by deleting the above position classification descriptions titles.

Passed this 15th day of September, 2003

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

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

Motion was made by Hanks, seconded by Rodriguez and carried to table Agenda Item No. 105, Discussion and recommendation on the use of funds generated through the lease/**lease back arrangement**.

Motion was made by Hanks, seconded by Rodriguez and carried to table Agenda Item No. 106, Request from the City Council for an analysis/summary of the risks associated with the lease/**leaseback proposal**.

Motion was made by Hanks and seconded by Waugh to authorize Mayor and Finance Officer to sign TIF 39 **Contract for Private Development Agreement** between City of Rapid City and A/R Group, Inc. (No. LF081303-15). Roll call was taken: AYE: Hanks, French, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger and Kriebel NO: Partridge. Motion carried, 9-1.

Motion was made by Hanks and seconded by Rodriguez to authorize Mayor and Finance Officer to sign TIF 40 **Contract for Private Development Agreement** between City of Rapid City and Gandolf Group, LLC, as submitted by the City Attorney's Office this evening. (No. LF091003-13). Kooiker stated that his opposition to this project was based partly on a misunderstanding of how the project would provide low income housing for the community. With the Section Eight voucher system that is used and accepted by this project, it truly will provide low income housing. Bob Schultz, representing the Gandolf Group from Minneapolis stated that they have provided additional information that outlines how this project will operate. He also submitted a letter stating that they have an agreement with the Pennington County Housing Authority for continued cooperation and coordination of community assistance and working with the Housing Authority to give preferential treatment to those that have signed up for the housing list as well as fully acceptance and usability of any Section Eight vouchers that may be applied. Roll call vote was taken: AYE: Hanks, French, Kooiker, Murphy, Rodriguez, Waugh, Kroeger and Partridge; NO: Hadley and Kriebel. Motion carried, 8-2.

Planning Department Item

The Mayor presented No. 03PL028, a request by DLK Engineering for South Creek Village Limited Partnership for a **Preliminary and Final Plat** located northwest of the intersection of Cambell Street and Fairmont Boulevard. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot A, Lot B, Lot C, Drainage Lot 1 and Drainage Lot 2 of Lot 2 of the Superpumper Addition, located in the SE1/4 of the SE1/4 of Section 7, T1N, 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 Lot A, Lot B, Lot C, Drainage Lot 1 and Drainage Lot 2 of Lot 2 of the Superpumper Addition, located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 15th day of September, 2003.

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

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

Public Works Committee Items

The next item discussed by the council was a request for **Water Service** to the West Nike Subdivision. Richard Pluimer, explained that the subdivision is a former Air Force housing complex located 2.5 miles north of the Mall. Through congressional action, this property was transferred from the Air Force to the West River Foundation, a private, non-profit corporation with the understanding that the property would be developed and sold, and the proceeds used for economic and community development in the Black Hills area. Part of the goal of the foundation is to sell the properties; the other part of the goal is to maximize the amount of money available for economic development. As part of that process, we are asking the City Council to approve, subject to agreements with Ellsworth Air Force Base, the supplying of water through an existing line that serviced this project when it was used by the Air Force Base. Pluimer stated that they are aware of the higher rate that is charged to properties outside the city limits. He also requested that the city allow them to use an existing homeowners association rather than forming a water association. Pluimer added that they anticipate a cooperative venture with the North Haines Volunteer Fire Department and requested that the city contemplate a sub-usage of the water by this entity. Hadley asked about the lagoon that would serve this area. Randy Morris stated that they would like to hook onto the City's sewer lines, but the infrastructure cost at this point in time is prohibitive. The lagoon will be rehabilitated for use by the homes in this subdivision. Motion was made by Kooiker, seconded by Rodriguez and carried to direct staff to work with the West River Foundation to prepare the final documents to allow water service to the West Nike Subdivision.

Motion was made by Kooiker, seconded by Waugh and carried to authorize staff to **advertise for bids** for a Portable Generator for Utility Maintenance.

Motion was made by Rodriguez and seconded by Waugh to approve No. PW090903-09 - Authorize Mayor and Finance Officer to sign Amendment No. 01 to a **Professional Service Agreement** with Phil Nichols Associates to Design Stoney Creek Water Booster Station and Well House Project No. W03-953 for an amount not to exceed \$9,840. Kriebel questioned the costs involved with this booster station. Project Administrator Dan Coon explained the amendment before the Council at this time is for engineering design and modeling services. The design portion is to increase the pump for Well No. 11 and modeling services for sizing of the pump and tying in other zones in this area. Kriebel stated that typically booster stations cost much less than this to build and design. Coon explained that the original contract was for design of a booster station and modeling services for several service zones on the west side of town. These services will insure that the booster station ties in with all of the different pressure zones on the west side of town. Vore added that the City has a bond request of \$750,000 for this project. Roll call vote was taken: AYE: Hanks, Murphy, Rodriguez, Waugh and Kroeger; NO: French, Kooiker, Hadley, Kriebel and Partridge. Motion failed due to a tie vote.

Motion was made by Kooiker, seconded by French and carried to approve No. PW090903-12 - Alternate No. 03 of the **South Truck Route Drainage Basin Design Plan**.

The next item discussed by the Council was a request that staff bring forward information on the number of agreements Rapid City has to provide **services outside the Corporate City Limits**; at what percentage of the retail rate is being charged in those agreements; and the renewal date of each agreement so that all interested parties would be placed on notice that Rapid City, to remain consistent, intends to enforce the resolution that established the 150% of the retail rate charged to customers within Rapid City. Motion was made by Rodriguez and seconded by Partridge to table this item. Roll call vote was taken: AYE: Murphy, Rodriguez, Waugh, Kroeger and Partridge; NO: French, Kooiker, Hadley and Kriebel. Motion to table carried, 5-4.

The next item before the Council was a Report on South Dakota Department of Transportation reaction to **painting crosswalks** on 8th Street between St. Patrick and Cathedral Drive and 916 Mt. View Road. Public Works Director Ted Vore explained that this item should be changed to read "Report on SD DOT reaction to Pedestrian/Traffic signal at this location". The State has indicated that if the council requests, they would do a study to evaluate the need for a signal, or flashing lights, between St. Patrick and Cathedral Drive. They cautioned that if they did the study, they would have to have warrants before they would allow any type of light. Vore indicated that the State would pay for the study. If it is determined that a light is needed, there could be negotiations on cost-sharing for the project. Motion was made by French and seconded by Kooiker to request that the State do a traffic study on Mt. Rushmore Road, between St. Patrick and Cathedral, to see this area warrants a pedestrian signal. Roll call vote was taken: AYE: French, Kooiker, Murphy, Waugh, Hadley, Kroeger and Kriebel; NO: Rodriguez and Partridge. Motion carried, 7-2.

Approval of Bills

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

Payroll Paid Ending 09-06-03, Paid 09-12-03	604,086.94
Payroll Paid Ending 09-06-03, Paid 09-12-03	1,021.89
Pioneer Bank, Taxes Paid 09-12-03	144,769.95
Pioneer Bank, Taxes Paid 09-12-03	78.17
SD Department of Revenue, sales tax payable	23,301.40
SD Department of Revenue, sales tax payable	6,071.34
SD Department of Revenue, excise tax payable	194.62
SD Municipal League, registration fees	975.00
First Administrators, claims Paid 9-03-03	59,474.94
First Administrators, claims Paid 9-10-03	60,914.01
Berkley Risk Administrators, August claims	23,582.13
BH Power & Light, electricity	16,574.27
Pennington County Auditor, PSB Construction	99,894.90
US Postmaster, billing postage	1,100.00
Computer Bill List	<u>4,570,430.77</u>
Total	<u>\$5,612,470.33</u>
Payroll Paid Ending 09-06-03, Paid 09-12-03	2,618.20
Pioneer Bank, Taxes Paid 09-12-03	191.80
City of Rapid City, health insurance	699.88
City of Rapid City, postage stamps	18.50
City of Rapid City, postage	7.67
First Administrators, Section 125 Fee	9.25
Johnson Machine, oil & filter	11.58
Simpson's Creative Printers, newsletters	79.50

Meeting of the City Council

September 15, 2003

SD Retirement System, pension
Standard Life
Total

420.63
7.92
\$5,616,535.26

Treasurers Checks
Stanley Johnsen Concrete
Total

19,013.87
\$5,635,549.13

Executive Session

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

The Council came out of executive session but no action was taken.

As there was no further business to come before the Council at this time, the meeting adjourned at 10:35 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)