

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
May 19, 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, May 19, 2003 at 7:00 P.M.

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

Motion was made by Waugh, seconded by Rodriguez and carried to **approve the minutes** of May 5, 2003.

Bid Openings

The following companies submitted bids for No. CC051903-01, **Black Hills Polo & Soccer Grounds Parking and Sidewalk Project** No. PR03-1265, which were opened on May 15, 2003: 1) Hills Materials Company; 2) J&J Asphalt Company; 3) Corner Construction and 4) Simon Contractors. Staff has reviewed the bids and recommends award to J&J Asphalt Company. Motion was made by Rodriguez, seconded by Hanks and carried to award the bid for PR03-1265 to J&J Asphalt Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$114,468.94.

The following companies submitted bids for No. CC051903-01, **Parkview Softball Complex Phase 3 (Bleachers and Sidewalk) Project** No. PR03-1293 which were opened on May 15, 2003: 1) Corr Construction and 2) Corner Construction. Motion was made by Rodriguez, seconded by Waugh and carried to refer these bids to the Public Works Committee for review and recommendation.

The following companies submitted bids for No. CC051903-01, **Transportation Natural Gas** for the City/School Common Energy Plant, Stevens High School Boiler Plant, Dakota Middle School, West Middle School, Southwest Middle School which were opened on May 15, 2003: 1) Rainbow Gas Company and 2) Envision Energy Management. Staff has reviewed the bids and recommends award to Rainbow Gas Company. Motion was made by Rodriguez, seconded by Murphy and carried to award the bid for Transportation Natural Gas to Rainbow Gas Company, the lowest responsible bidder, in the following amounts: Colorado Interstate Gas Index, \$0.20 MMBtu; and Williston Basin Interstate \$0.45844 MMBtu.

The following companies submitted bids for No. CC051903-01, **One New Current Year Easement Machine** for Utility Maintenance Division which were opened on May 15, 2003: 1) Sanitation Products and 2) Municipal Pipe & Tool Company. Staff has reviewed the bids and recommends award to Municipal Pipe. Motion was made by Waugh, seconded by Rodriguez and carried to award the bid for the Easement Machine to Municipal Pipe & Tool, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$16,504.

The following companies submitted bids for No. CC051903-01, **One New Triplex Greensmower** for the Golf Department which were opened on May 16, 2003: 1) Midwest Turf & Irrigation; 2) Sun Turf, Inc. and 3) LL Johnson Distributing. Staff has reviewed the bids and recommends award to Midwest Turf & Irrigation for the base bid only. Staff has decided to keep the equipment listed for trade-in. Motion was made by Rodriguez, seconded by Waugh and carried to award the bid for One New Triplex Greensmower to Midwest Turf &

Irrigation, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$18,519.

Mayor's Items

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

Aldersperson Reports

Hadley requested information on repair of the **Knollwood Metering Dam**. Engineering Division Manager Randy Nelson explained that this dam is not draining as it was originally designed. There is concern about the standing water and problems that could come up this spring and summer with mosquitoes and bugs. Nelson explained that they propose to install a geo cell blanket (grid) along the outside edge of the pond. This will facilitate drainage which will then tie into an existing drainage area to the north. Hadley noted that the dam does not drain properly. Will the proposed renovation solve the problem of all the water and silt ending up at the end of Brentwood Street in the cul-de-sac? Nelson indicated that the project also includes some pipe replacements including the original pipe through the dam. The proposed project should allow this area to drain and then the city can periodically remove silt that collects in the area. Nelson added that the city may need to add a similar fix in the pond itself in order to keep it clean. Once the area is drained and dried out, the street can be repaired. Bjerke noted that no funding source has been identified for this project. The only funding available is in the streets & drainage budget which is very tight right now. He added that there are projects identified with contingencies. The proposed project is not a "high-dollar" project, so he recommended that it be included on the list of projects. As the budget year proceeds, they may need to revise the project list. Motion was made by Hadley, seconded by Kooiker and carried to authorize staff to proceed with the Knollwood Metering Dam project based on the cost estimates presented and move the project forward with funding to come from the Streets & Drainage budget.

Motion was made by Hadley and seconded by Kooiker to direct City Attorney's Office to **prepare an ordinance amendment** to the Sign Code removing the \$75 filing fee for appeals to City Council. Upon vote being taken, the motion carried with Murphy voting no.

Motion was made by Kroeger, seconded by Rodriguez and carried to move the following item to later on the agenda, prior to Item No. 108: 7A. Allocation of Infrastructure funds in 2012 Fund to the 5th Street Project.

Kroeger stated that the Council members have been meeting with Linda Lee Viken relative to establishing **rules and procedures** for the City Council. Motion was made by Kroeger and seconded by Rodriguez to adopt the rules and procedures to be followed by the City Council. French asked when the rules would go into effect. Kroeger stated he feels they can be implemented after tonight's meeting. He added that Ms. Viken has been invited to the next meeting to assist with the implementation of the rules and procedures. Asst. City Attorney Green noted that typically an action by the Council would take effect 20 days after it is published in the newspaper. However, he saw no problem with the Council operating under this rules informally. Upon vote being taken, the motion carried with Hanks and Kriebel voting no.

Kooiker noted that the **alley behind Dakota Middle School** has been an on-going issue. Motion was made by Kooiker, seconded by Waugh and carried to direct staff to put this item on the next Public Works Committee agenda for discussion.

Motion was made by Hadley, seconded by Partridge and carried to put the issue of funding for repair of **railroad crossings** on the next Public Works Committee agenda for discussion.

Motion was made by Kroeger, seconded by Waugh and carried to direct the City Attorney's Office to bring forward a resolution or ordinance to the next Legal & Finance Committee meeting to **change the committee structure** to five members each.

Special Items and Items from Visitors

Kooiker explained that Jay and Lisa Schenzel contacted him regarding the issue of sidewalks on the east side of **Robbinsdale Park** near East Idaho Street. The sidewalks are in a submerged state quite often with mud and water. Motion was made by Kooiker, seconded by Waugh and carried to refer this issue to the Public Works Committee (under Parks Department) for discussion. Kooiker also requested that the Schenzels be notified of this committee meeting.

Lee Dennison commended the City for implementing the Rapid City **Citizens Police Academy**. This is a very good program and a benefit to citizens of the community.

George Dunham appeared before the Council and requested consideration of his request that **impact fees** for his development be waived. Asst. City Attorney Jason Green stated that this item is intimately entwined with pending litigation and discussion should occur in executive session. Green added that the City should have a report back from the outside attorney before the next council meeting. Kooiker also requested information from the Public Works Director on the criteria that was used to make decisions on waivers that were approved. Bjerke stated that he has provided this information in the past and has no additional information to submit.

Alcoholic Beverage License Applications

This was the time set for hearing on the application of Dick & Waneta Ragels dba **Meadowbrook Grill & Pub**, 3625 Jackson Boulevard, for an On-Off Sale Malt Beverage License Transfer (from the City of Rapid City). Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Dick & Waneta Ragels dba **Meadowbrook Grill & Pub**, 3625 Jackson Boulevard, for an On-Sale Wine License Transfer (from the City of Rapid City) Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of the **Rushmore German Club**, for a Special Malt Beverage License to be used August 14 thru August 23, 2003 at the Central States Fairgrounds. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

Upon motion made by Hanks, seconded by Hadley and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearing to be held on Monday, June 2, 2003:

Off-Sale Malt Beverage License Renewals

1. Kusler's Conoco, Inc. dba **Kusler's Conoco**, 701 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
2. James Barry Stoick dba **Stoick's**, 2303 Jackson Boulevard, for an Off-Sale Malt Beverage License Renewal
3. Fat Boy's, Inc. dba **Firehouse Brewing Company**, 610 Main Street, for an Off-Sale Malt Beverage License Renewal

On-Off Sale Malt Beverage License Transfers

4. High Plains Securities, Inc. dba **St. Joe Pub**, 710 St. Joe Street, for an On-Off Sale Malt Beverage License Transfer (from 504 Mt. Rushmore Road)
5. Blue Lantern Lounge, Inc. dba **Nelson's Casino**, 2425 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Transfer (previously inactive)
6. Alta-Lee, Inc. dba **Clock Tower Lounge**, 2525 West Main Street, for an On-Off Sale Malt Beverage License Transfer (from The Metro Café)

On-Off Sale Malt Beverage License Renewals

7. Wilburn Powers, Inc. dba **Horseshoe Bar**, 1407 ½ E. North Street, for an On-Off Sale Beverage License Renewal
8. ZBT, Inc. dba **Jackpot Casino East**, 2708 E. Highway 44, for an On-Off Sale Malt Beverage License Renewal
9. CHAS, Inc. dba **Jackpot Casino West**, 2144 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
10. SARF, Inc. dba **Joker's Casino South**, 1320 Mt. Rushmore Road, Suite C, for an On-Off Sale Malt Beverage License Renewal
11. ZBT, Inc. dba **Joker's Casino North**, 608½ E. North Street, for an On-Off Sale Malt Beverage License Renewal
12. Wal-East Development, Inc. dba **Jackpot Casino**, 685 LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
13. Poker Joe's Inc dba **Poker Joe's**, 211 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
14. Thomas McCarty dba **The Marble Club**, 2315 ½ Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
15. I-90 Fuel Services, Inc. dba **Windmill Truck Stop**, for an On-Off Sale Malt Beverage License Renewal
16. I-90 Truck Haven Service, Inc. dba **Windmill Restaurant**, 2803 Deadwood Avenue, for an On-Off Sale Malt Beverage License Renewal
17. Robert Johnson dba **Canyon Lake Pub & Casino**, 4116 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
18. H&B, Inc. dba **The Hall Inn**, 214 E. St. Joseph Street, for an On-Off Sale Malt Beverage License Renewal
19. Peaceful Pines Casino, Inc. dba **West Main Square Casino**, 3205 West Main Street, for an On-Off Sale Malt Beverage License Renewal
20. Uncle Sam's, Inc. dba **Uncle Sam's Casino & Eatery**, 2110 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
21. Kittens, Inc. dba **Uncle Sam's East**, 1122 E. North Street, for an On-Off Sale Malt Beverage License Renewal
22. Jumble, Inc. dba **Uncle Sam's West**, 2730 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
23. Entertainment, Inc. dba **Nu Robbinsdale Casino**, 803 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
24. Ken-Ben, Inc. dba **8th Street Lounge**, 2201 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
25. Harbry Enterprises, Inc. dba **Buck-N-Gator**, 4095 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal
26. Alta-Lee, Inc. dba **Clock Tower Lounge**, 2525 West Main Street, for an On-Off Sale Malt Beverage License Renewal
27. Kelly's Sports Lounge, Inc. dba **Kelly's Sports Lounge**, 825 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
- 27A. Red Rock Golf Club LLC dba **Red rock Golf Club**, 6520 Birkdale Drive, for an On-Off Sale Malt Beverage License Renewal
- 27B. Blue Lantern Lounge, Inc. dba **Nelson's Casino**, 2425 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal

On-Off Sale Malt Beverage License Renewals (No Video Lottery)

28. Dick & Waneta Ragels dba **Meadowbrook Grill & Pub**, 3625 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
29. Dick & Waneta Ragels, dba **Executive Golf Course**, 200 Twelfth Street, for an On-Off Sale Malt Beverage License Renewal
30. M&M Restaurants, Inc. dba **Piesano's**, 3618 Canyon Lake Drive, No. 121, for an On-Off Sale Malt Beverage License Renewal
31. City of Rapid City dba **Rushmore Plaza Civic Center**, 444 N. Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
32. Keith & Dorla Brink dba **Carini's Italian Food**, 324 St. Joseph Street, for an On-Off Sale Malt Beverage License
33. Black Hills Sports, Inc. dba **Fitzgerald Stadium**, Canyon Lake Drive, for an On-Off Sale Malt Beverage License Renewal
34. Museum Alliance of Rapid City, Inc. dba **The Journey Museum**, 222 New York Street, for an On-Off Sale Malt Beverage License Renewal
35. Guang Huan Huang dba **Hunan Chinese Restaurant**, 1720 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
- 35A. Great Wall, Inc. dba **Great Wall Chinese Restaurant**, 315 E. North Street, for an On-Off Sale Malt Beverage License Renewal
- 35B. Great Wall, Inc. dba **Imperial Chinese Restaurant**, 702 E. North Street, for an On-Off Sale Malt Beverage License Renewal

On-Sale Liquor License Transfer

36. High Plains Securities, Inc. dba **St. Joe Pub**, 710 St. Joe Street, for an On-Sale Liquor License Transfer (recently annexed into the City)

Consent Calendar

The following items were removed from the Consent Calendar:

19. No. PW051303-13 – Authorize Mayor and Finance Officer to sign a Professional Service Agreement with American Engineering Testing, Inc. to Perform 2003 Geotechnical Investigations for an amount not to exceed \$30,000.
20. No. PW051303-14 – Authorize Mayor and Finance Officer to sign a Professional Service Agreement with FMG, Inc. to Perform 2003 Materials Investigations for an amount not to exceed \$30,000.
21. No. PW051303-17 - Authorize Mayor and Finance Officer to sign a Professional Service Agreement with HKM Engineering, Inc. to Conduct the Stevens High School Traffic Study for an amount not to exceed \$6,500.
22. Waive the Impact Fee for 525 & 527 Quincy Street (WAVI).
23. No. PW041503-20 – Remove on-street parking along the east side of 5th Street between St. Joseph Street and Main Street for only the period of the Omaha Street reconstruction, and remove the on-street parking north of Main Street to the railroad track.
27. No. PW051303-18 - Approve Impact Fee Waiver for 4520 Three Rivers Drive.
28. Request that the Mayor form a committee to review the consultant selection process, and include members from the different groups.
32. Allow staff until January 1, 2004 to fully implement the automated garbage collection system.
38. No. LF051403-05 – Hold the July 7, 2003, City Council meeting at the West Middle School Community Center, and schedule the remaining committee meetings in the Community Room at the C/SAC Building, and to adopt the schedule as outlined by the staff.

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

Set for Hearing (June 16, 2003)

13. No. 03VR003 - A request by Doug Sperlich for Jeff Stone for a Vacation of Right of Way on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive.

Public Works Committee Items

14. No. PW051303-01 – Approve Change Order No. 01 for PR01-1090, Roosevelt Park Site Improvements – Phase 2 to R.C.S. Construction, Inc. for an increase of \$9,644.
15. No. PW051303-02 – Approve Change Order No. 05F for IDP01-1094, Rapid City Public Library to Jim Scull Construction for an increase of \$21,878.93.
16. No. PW051303-03 – Approve Change Order No. 01 for W02-1234, Carriage Hills Water Transmission Main Extension Project to Mainline Contracting, Inc. for a decrease of \$98.65.
17. No. PW051303-04 – Authorize staff to advertise for bids for ST01-1047, Catron Blvd. Improvements Project.
18. No. PW051303-05 – Authorize staff to advertise for bids for PR03-1275, Parks Miscellaneous Improvements Project.
24. No. 03VE003 – Acknowledge WCL Associates, Inc. for Best Buy Company, Inc. withdrawal of a request for a Vacation of a Non-Access Easement on Lot 8R in the NW1/4 NE1/4 of Block 3, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2320 Haines Avenue.
25. Approve the purchase of dust mops, entry carpets and shop towels from American Linen under State Contract #12510 for Various City Departments.
26. No. PW051303-12 – Approve the Black Hills Area Habitat for Humanity Impact Fee Waiver for 209 East Madison Street.
29. Direct staff to prepare costs estimates and recommendations to complete the Mall Drive and East Anamosa Street projects, and bring those recommendations forward within thirty days.
30. No. PW051303-15 – Approve the purchase of Fluoride from sole source - Hawkins Water Treatment Group of Black Hawk, SD for Water Division.
31. No. PW051303-16 – Approve the purchase of Liquid Chlorine and Chlorine Gas from sole source – Hawkins Water Treatment Group of Black Hawk, SD for Recreation and Water Divisions.

Legal & Finance Committee

33. No. LF051403-01 – Approve Wording Change in Dedicated Standby Agreement.
34. No. LF051403-02 – Authorize Mayor and Finance Officer to Sign Transportation Services Agreement (4).
35. No. LF051403-03 – Approve Reprogramming Request for Fiscal Year 2002 Community Development Block Grant Funds.
36. No. LF051403-15 – Authorize Mayor and Finance Officer to Sign Petition to Vacate Public Right of Way.
37. No. LF051403-04 – Authorize Mayor and Finance Officer to Sign Unilever Ice Cream 2003 Foodservice Operator Equipment Agreement.
39. No. LF051403-06 – Approve Allocation of \$50,000 from the CIP Contingency Fund for Fire Station No. 3 Project.
40. No. LF051403-08 – Authorize Mayor and Finance Officer to Sign Lease Agreement between Rapid City Arts Council, Inc. and City of Rapid City.
41. No. LF051403-10 – Approve the Following Abatement: Edward L. Seljeskog, 2002, \$6,069.84.

42. Approve the Following Licenses: Sewer & Water Installer Contractor: Bryan J. Rick, Quality Excavating, Inc.; Trenching Contractor: Floyd C. Simunek, Evergreen Landscaping.
43. Authorize Sioux Falls Water Ski Club to Use Canyon Lake on Saturday, June 28, 2003, at 7:00 p.m. for Water Ski Show.
44. No. LF051403-11 – Refer the Downtown Parking Proposal presented by Dennis Halterman to the Ordinance Review Committee.
45. No. LF051403-12 - Authorize DLK Engineering to Prepare H Lot on behalf of the City for a 40' wide right of way along the south boundary of the unplatted portion of the SE¼SE¼ of Section 7, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, and to accept the H Lot deed at the time the final plat for the Super Pumper Addition is approved.

Raffle

46. No. CC051903-03 - Notification from Rushmore Chapter of ABATE, Inc. of their intent to conduct a raffle, drawing to be held on October 25, 2003.
47. No. CC051903-04 - Notification from Black Hills Society for Human Resource Management of their intent to conduct a raffle, drawing to be held on June 6, 2003.

End of Consent Calendar

The Mayor presented No. PW051303-13 – Authorize Mayor and Finance Officer to sign a Professional Service Agreement with American Engineering Testing, Inc. to Perform **2003 Geotechnical Investigations** for an amount not to exceed \$30,000. Motion was made by Kroeger and seconded by Rodriguez to approve the Agreement. Kooiker expressed concern with the consultant selection process used by the City. Upon vote being taken, the motion carried with Kooiker voting no.

Motion was made by Rodriguez and seconded by Waugh to approve No. PW051303-14 – Authorize Mayor and Finance Officer to sign a Professional Service Agreement with FMG, Inc. to Perform **2003 Materials Investigations** for an amount not to exceed \$30,000. Upon vote being taken, the motion carried with Kooiker voting no.

Motion was made by Kroeger and seconded by Murphy to approve No. PW051303-17 - Authorize Mayor and Finance Officer to sign a Professional Service Agreement with HKM Engineering, Inc. to Conduct the **Stevens High School Traffic Study** for an amount not to exceed \$6,500. Rodriguez noted that the last day of school is May 23rd. She suggested that the study not be done until the fall when school is back in session. Public Works Director Bjerke explained that the total amount of this contract is \$12,800, which will be shared between the city and the school district. He requested that the city handle the contract and allow the school district to reimburse us for their portion of the costs. Substitute motion was made by Partridge and seconded by Rodriguez to accept the consultant project (in the amount of \$13,000), but move the study to September for approval time. French asked what the city is hoping to learn from the information gathered during this study. Engineering Division Manager Randy Nelson explained that there are a number of areas to be covered by this study. There is the issue of internal circulation that the school district has been dealing with, and the issue of access points onto the streets serving this area. Nelson added that there are some water lines in this area that need to be reconfigured as well. Substitute motion was made by Hadley, seconded by Kooiker and carried to continue this item for two weeks for continued discussion at the Public Works Committee.

Motion was made by Rodriguez and seconded by Kriebel to **waive the impact fee** for 525 & 527 Quincy Street (WAVI). Public Works Director Bjerke explained that this location had existing facilities which are being demolished. The new facility will only have one tap onto the system, compared to three for the previous uses. If you look at the criteria in the initiative for what we charge per meter size, they would have enough credit to waive the impact fee,

based on what existed at this location in the past. Substitute motion was made by Kooiker, seconded by Hadley and carried to continue this item to later on the agenda, so that it can be heard in conjunction with Item No. 104.

The next item discussed by the Council was No. PW041503-20, **removal of on-street parking** along the east side of 5th Street between St. Joseph Street and Main Street, and remove the on-street parking north of Main Street to the railroad track, during the Omaha Street reconstruction period. Motion was made by Rodriguez and seconded by Kooiker to deny this item. Jerry Freed, Joe Kampa, Curt Jensen and Diane Alberts spoke against removing this parking because of the negative impact it will have on businesses in this area. Partridge spoke against the motion noting that traffic is very congested in this area now and there are safety issues in this location. Bjerke noted that traffic will not make this transition over night. It will take some time for people to get used to this change if it is approved by the Council. Kooiker moved the previous question. Second by Rodriguez. Kriebel objected. Kriebel noted that there were problems earlier in the year because a lane was also closed on Main Street. Roll call vote was taken: AYE: French, Kooiker, Rodriguez, Waugh, Hadley and Kriebel; NO: Hanks, Murphy, Kroeger and Partridge. Motion to deny carried, 6-4.

The next item discussed by the Council was No. PW051303-18, a request for an **Impact Fee Waiver** for 4520 Three Rivers Drive. Motion was made by Kroeger and seconded by Hanks to approve the request. Kooiker noted that the building permit states that the estimated cost of this structure is \$102,000. He asked if this waiver was for low income housing. Bjerke noted that this is a Rapid City Community Development home which fits the criteria for low income housing. Substitute motion was made by Kooiker and seconded by Kriebel to continue this item to the next Public Works Committee meeting. Roll call vote was taken: AYE: Kooiker, Kroeger and Kriebel; NO: Hanks, Murphy, Waugh, Hadley and Partridge. Motion to continue failed, 3-5. Upon vote being taken, the original motion to approve the impact fee waiver carried with Kriebel voting no.

Motion was made by Kroeger and seconded by Waugh to request that the Mayor form a committee to **review the consultant selection process**, and include members from the different groups. Kooiker requested that the names of the committee members be submitted as soon as possible. He also requested that the pre-selection process be opened up to the Mayor and Council members and members of the new committee so that we can take a closer look at how this process is set up. Upon vote being taken, the motion carried unanimously.

Motion was made by Kroeger and seconded by Waugh to allow staff until January 1, 2004 to fully implement the **automated garbage collection system**. Kriebel stated that he feels this time period is too long. Possibly the public could be accommodated by additional cleanup days where use of the landfill is free. Asst. Public Works Director Ted Vore explained that the garbage truck that collected extra garbage outside of garbage trucks is no longer running. That service was discontinued when Mayor Shaw took office. Vore stated that the City is fully implementing the automated system as originally designed and with the guidelines and policies that were approved by the Solid Waste Committee. A report will be submitted to the Council on how the system is doing financially and physically. Another report will be submitted the first of January, prior to any changes being recommended. Partridge stated that he feels the January 4th time frame will also encourage the policies that are in place for the automated system. Upon vote being taken, the motion carried with Hadley and Kooiker voting no.

Motion was made by Hanks and seconded by Murphy to hold the July 7, 2003, City Council meeting at the West Middle School Community Center, and schedule the remaining committee meetings in the Community Room at the CSAC Building, and to adopt the schedule as outlined by the staff (No. LF051403-05). Substitute motion as made by Hadley, seconded by Kooiker and carried to hold the July 21, 2003, City Council meeting at the West

Middle School Community Center, and schedule the remaining committee meetings in the Community Room at the CSAC Building, and to adopt the schedule as outlined by the staff. Kooiker spoke in favor of having Council meetings at various locations and suggested that the June meetings also be scheduled in other locations.

Public Hearing

This was the time set for hearing on No. CC051903-05, the proposed Lease of Land to State of South Dakota, Department of Corrections, for a minimum security facility to be located at the City Landfill. Motion was made by Rodriguez and seconded by Murphy to approve the lease. Kooiker asked if the State has any plans, at any time, to turn this facility into a facility that would house any number of maximum security prisoners. Jim Raysor from the SD Department of Corrections stated that they do not have plans to house maximum or medium security prisoners at this location. This facility would be strictly for minimum security inmates who are available for work release or community service projects in the area. Kooiker suggested that the wording in the lease be strengthened to exclude maximum security prisoners at this facility. Asst. City Attorney Jason Green suggested that certain items be excluded from the facility rather than trying to define minimum security prisoners (i.e. razor wire or construction of additional fences). Substitute motion as made by Kooiker and seconded by French to continue this item to the next Legal & Finance Committee and in the meantime direct the City Attorney to tighten up the language regarding minimum security. Green noted that this is a public hearing. He recommended that the Council continue the public hearing and take all the comments now. Then action can be taken relative to the lease, after the public hearing is complete. Kooiker withdrew his motion. Raysor added that the facility they are proposing to build would not lend itself to a maximum security facility. There is no way the structure could be modified and be acceptable as a maximum security facility. In order to do that, the State would have to come back through the Planning Commission and Council to prepare plans and modifications for an entirely different type of structure than what is proposed for this site. The facility being proposed is very similar to the facility already there which is operated by Community Alternatives of the Black Hills. Kriebel expressed the following concerns: 1) The term of the lease is initially for twenty years with ten year renewal terms after that, unless either party gives one year's written notice. Green stated that upon renewal of the lease, it would be for increments of ten years. If there was no notice that the lease would not be renewed, it will automatically renew for a ten year term. Kriebel expressed concern about this clause because of the explosive growth in this area of the community. 2) Under site improvements, the lease says that water and sewer will be made available. Kriebel asked if utilities were available to this site. Staff noted that utilities lines are available in this location. 3) Kriebel stated that he wants to be sure that the city will not be surrendering zoning jurisdiction because of this action. Planning Director Elkins explained that this project has gone through the 11-6-19 review process and the Planning Commission has approved the project and found it to be in conformance with the city's comprehensive plan. Raysor added that the proposed facility will be for prisoners who have been adjudicated as adults. No further comments were offered. Mayor Shaw declared the public hearing closed. Substitute motion as made by Kooiker and seconded by French to continue this item to the next Legal & Finance Committee and in the meantime direct the City Attorney to tighten up the language regarding minimum security and the type of prisoners intended for the facility. Kooiker also suggested that the term of the lease be changed so that after the initial term, it can be terminated after one year. Rodriguez spoke against changing the terms of the lease. One year is adequate notice for termination. Roll call vote was taken: AYE: Hanks, French, Kooiker, Waugh, Hadley, Kroeger and Kriebel; NO: Murphy, Rodriguez and Partridge. Motion carried, 7-3.

Planning Department Consent Items

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

49. No. 02PL029 - A request by Davis Engineering for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Reservoir Road and Longview Drive. (CONTINUE TO JUNE 2, 2003)
50. No. 02PL040 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1-6 of Block 1; Lot 1 of Block 2; Lots 1-20 of Block 3, Lots 1-14 of Block 4; Lot 1 of Block 5, of Eastridge Subdivision and dedicated Enchantment Road, Eastridge Drive, Sally Court, and major drainage easements located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 NW1/4; N1/2 NE1/4 less NW1/4 NW1/4 NE1/4 and less NE1/4 NW1/4 NE1/4 and less NW1/4 NE1/4 NE1/4; NW1/4 NW1/4; SE1/4 NW1/4 less the west 460 feet of the south 990 feet and less Lot H1; SW1/4 NW1/4 less the south 990 feet, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Fifth Street. (CONTINUE TO JUNE 2, 2003)
51. No. 02PL093 - A request by Davis Engineering for a **Layout, Preliminary and Final Plat** on Lot 1 Block 1, Lots 1 thru 6, Block 2, Lots 1 thru 8, Block 3, Lots 1 thru 7, and Lots 10 thru 15, Block 4, Lots 1 thru 3 and Lots 11 thru 16, Block 5 of Murphy Ranch Estates, all located in NE1/4 NW1/4 of Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 less Murphy's Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on Longview Drive to the east of East 53rd Street and Reservoir Road. (CONTINUE TO JUNE 2, 2003)
53. No. 02PL107 - A request by Williams and Associates for Black Hills Surgery Center, LLP for a **Layout, Preliminary and Final Plat** on Lot 6R, Lot 32R, and Lot 33R of Block 18 of Robbinsdale Addition No. 10 located in the S1/2 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6, Lot 32 and Lot 33 of Block 18 of Robbinsdale Addition No. 10 located in the S1/2 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of 5th Street along Anamaria Drive. (CONTINUE TO JUNE 2, 2003)
54. No. 02PL114 - A request by Dream Design International Inc. for a **Preliminary and Final Plat** on Lots 7 thru 10, Block 14 and Outlot LS and dedicated streets of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Birkdale Road off Muirfield Drive. (CONTINUE TO JUNE 16, 2003)
56. No. 02PL119 - A request by Kevin Conway for Norman or Rod McKie for a **Preliminary and Final Plat** on Lots 1 and 2 of Five Star Subdivision and the dedicated public right-of-way shown as Disk Drive located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 8 of Lot M1 of the S1/2 NW1/4, Lots A and B of Lot 1 of Lot M1 of the S1/2 NW1/4, Tract 4-B of Parcel 4 of SE1/4 NW1/4, and a portion of vacated Howard Street right-of-way located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Interstate 90. (CONTINUE TO JUNE 2, 2003)
57. No. 03PL001 - A request by Dream Design International for a **Preliminary and Final Plat** on Lots A, B, C and well lot, Miracle Place Subdivision, located in the SE1/4

- SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3, Block 15, of Canyon Lake Heights Subdivision located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Cliff Drive and Miracle Place. (CONTINUE TO JUNE 2, 2003)
58. No. 03PL004 - A request by FMG, Inc. for Williston Basin Interstate Pipeline Co. for a **Preliminary and Final Plat** on the dedicated public right-of-way shown as Disk Drive formerly a portion of Parcel No. 5 located in the NE1/4 of NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Parcel No. 5 located in the NE1/4 of the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Interstate 90. (CONTINUE TO JUNE 2, 2003)
59. No. 03PL025 - A request by Sean Casey for a **Preliminary and Final Plat** on Lot 29 Revised of Woodridge Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 29, 30 and 31, Woodridge Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1183 Woodridge Drive. (CONTINUE TO JUNE 2, 2003)
60. No. 03PL026 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 and 2 of Block 12; Lots 1 thru 4 of Block 15; Lots 1 thru 10 of Block 17; and, Lots 1 thru 17 of Block 18, Red Rock Estates Phase-IV, NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Prestwick Road and Pro Street. (CONTINUE TO JUNE 2, 2003)
61. No. 03PL027 - A request by Renner & Sperlich Engineering Company for Walgar Development for a **Final Plat** on Lot 2 of Block 1, Terracita Park Subdivision, Minnesota Street Right-of-Way, and Pedestrian Access and Utility Easement of the SW1/4 of the NW1/4 of the SE1/4 of Section 13, located in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 of the NW1/4 of the SE1/4 of Section 13, located in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of 5th Street and Minnesota Street. (CONTINUE TO JUNE 2, 2003)
62. No. 03PL028 - A request by DLK Engineering for South Creek Village Limited Partnership for a **Preliminary and Final Plat** on Lot A and Lot B of Lot 2, Superpumper Addition, located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, Superpumper Addition located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Cambell Street and Fairmont Boulevard. (CONTINUE TO JUNE 2, 2003)
63. No. 03PL030 - A request by Renner & Sperlich Engineering Co. for Gordon Howie for a **Layout, Preliminary and Final Plat** on Lots 12 thru 20 of Block 13, Lots 25 thru 32 of Block 14, and Lots 20 thru 25 of Block 15, Trailwood Village, located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located along Mercury Drive, Cabbot Court and Shad Street. (CONTINUE TO JUNE 2, 2003)

65. 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. (CONTINUE TO JUNE 16, 2003)
66. 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. (CONTINUE TO JUNE 2, 2003)
67. No. 03PL044 - A request by D.C. Scott Co. Land Surveyors for Thomas Knight for a **Preliminary and Final Plat** on Lot 4R, Lot 5R, and Lot 6 of Knight's Acres Subdivision, shared approach easement, vacated access easement, and dedicated Anderson Road right-of-way located in the N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 4 and Lot 5 of Knight's Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located south of Longview Road and west of Anderson Road. (CONTINUE TO JUNE 2, 2003)
68. No. 03PL045 - A request by Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz for a **Preliminary and Final Plat** on Lots A and B of Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1903 North Maple Avenue. (CONTINUE TO JUNE 2, 2003)

END OF PLANNING CONSENT CALENDAR

The Mayor presented No. 02PL095, a request by Doug Sperlich for 16 Plus, LLC for a **Preliminary and Final Plat** on Lot 3, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 and Tract 2 of Pioneer Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of U.S. Highway 16 and Moon Meadows Road. Motion was made by Kooiker, seconded by Rodriguez and carried to continue this item to be heard with Agenda Item No. 78, per staff recommendation.

The Mayor presented No. 02PL116, a request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 1, Block 1; Lots 1 thru 5, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; Lots 1 thru 4, Block 5; Lot 1, Block 6 and dedicated Street, Big Sky Business Park, located in the SW1/4 SW1/4 and the S1/2 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 SW1/4 NW1/4 including private drive, less Lot H2 and less right-of-way; the unplatted portion of the E1/2 SW1/4 NW1/4; and the unplatted portion of the S1/2 GL3; S1/2 GL4 less Lot 1 and less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and less right-of-way; all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Vale Road. Motion was made by Rodriguez and seconded by Waugh to approve. Jim Galvin expressed concerns about drainage in this area and he asked if the developer would be doing something to slow

down drainage in this area. Planning Director Elkins explained that the Planning Commission has recommended that this item be continued to June 2, 2003 because the stipulations have not been met. One of the stipulations deals with drainage issues. The developer has submitted a drainage plan, but there are revisions that need to be made. Substitute motion was made by French, seconded by Waugh and carried to continue this item until June 2, 2003.

The Mayor presented No. 03PL034, a request by Renner & Sperlich Engineering Company for Gary Rasmuson for a **Layout, Preliminary and Final Plat** on Lots 3 through 6 of Block 1, Terracita Park Subdivision, and Minnesota Street Right-of-Way located in the SW1/4 NW1/4 SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 NW1/4 SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Minnesota Street along Alta Vista Drive. Motion was made by Kooiker and seconded by Rodriguez to approve the Layout and Preliminary Plat with the following stipulations, and continue the final plat to June 2, 2003: 1) Prior to Final Plat approval by the City Council, the Layout, Preliminary, Final Plat request for the adjacent property to the east (03PL027) shall be approved by City Council in conjunction with this plat request; 2) Prior to Preliminary Plat approval by the City Council, the applicant shall revise engineering plans according to the redline comments for review and approval; and, the redline comments shall be returned to Engineering Staff; 3) Prior to Final Plat approval by the City Council, the applicant shall identify access to proposed Lots 3 and 4 that align with Middle Valley Drive; 4) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 5) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid. Planning Director Elkins explained that the petitioner has requested that stipulation number three be deleted which deals with alignment issues. Staff has no objection to this request. Kooiker included in his motion that stipulation number three be struck. Rodriguez concurred. Upon vote being taken, the motion carried unanimously.

END OF PLANNING CONSENT CALENDAR

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

The Mayor presented No. 03PL031, a request by Fisk Land Surveying & Consulting Engineers for the North Haines Volunteer Fire Department for a **Preliminary and Final Plat** located at the intersection of Country Road and 143rd Street. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 1 of North Haines Subdivision located in the SE1/4 SE1/4 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lot 1 of North Haines Subdivision located in the SE1/4 SE1/4 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 19th day of May, 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. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03PL043, a request by Davis Engineering, Inc. for Verlyn and Cindy Bourne for a **Layout Plat** on Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located at 5511 Hidden Valley Lane. Motion was made by Kooiker and seconded by Kroeger to approve the Layout Plat with the following stipulations: 1) Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show a drainfield easement for the existing and proposed drainfield and a reserve drainfield easement for the future location of a replacement drainfield on each lot; 2) Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be submitted for review and approval. In addition, the plat document shall be revised to show the location of the community well located north of proposed Lot A. A well agreement to allow the community well to serve the subject property shall be submitted for review and approval and the applicant shall demonstrate that the well provides adequate domestic water flows. If a separate well is proposed for proposed Lot B, then the location of the well shall be identified and the applicant shall also demonstrate that the well provides adequate domestic water flows. In addition, the plat document shall be revised to show utility and maintenance easement(s) for the well(s) as necessary; 3) Upon submittal of a Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb, gutter, street light conduit, sidewalk and pavement improvements for all adjacent roadways; 4) Upon submittal of a Preliminary Plat, a complete drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed; 5) Upon submittal of a Preliminary Plat, road construction plans for Hidden Valley Road shall be submitted for review and approval. In particular, an additional 17 feet of right-of-way shall be dedicated for that portion of Hidden Valley Road that abuts the subject property. In addition, the road shall be constructed as a principal arterial street with curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 6) Upon submittal of a Preliminary Plat, road construction plans for Hidden Valley Lane shall be submitted for review and approval. In

particular, the road shall be constructed with a 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 7) Upon submittal of a Preliminary Plat, the plat document shall be revised to show an access easement extending south from Hidden Valley Lane to serve proposed Lot B. In addition, road construction plans shall be submitted for review and approval. In particular, the road shall be constructed with a minimum 49 foot wide right-of-way and a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer and an all weather turnaround at the end of Hidden Valley Lane or a Variance to the Subdivision Regulations shall be obtained; 8) Upon submittal of a Preliminary Plat, the plat document shall be revised to show a non-access easement along Hidden Valley Road or a Special Exception to the Street Design Criteria Manual shall be obtained to allow access from a principal arterial street in lieu of a lesser order street or a Comprehensive Plan Amendment to the Major Street Plan relocating the principal arterial street shall be obtained. 9) Upon submittal of a Preliminary Plat, the road shall be reconstructed with a gradient not to exceed 10% as per the Street Design Criteria Manual or a Special Exception to the Street Design Criteria Manual shall be obtained; 10) Upon submittal of the Preliminary Plat, Hidden Valley Lane shall be redesigned to meet the minimum design standards for a cul-de-sac roadway which shall not exceed 500 feet in length with a turnaround at the closed end or a Special Exception to the Street Design Criteria Manual shall be obtained. If a Special Exception is obtained to extend the length of the cul-de-sac, then intermediate turnaround(s) at intervals not to exceed 600 feet shall be provided or a Special Exception to the Street Design Criteria Manual shall also be obtained; 11) The Special Exception to allow access from Hidden Valley Road, a principal arterial street, in lieu of a lesser order street as required by the Street Design Criteria Manual is hereby denied; 12) Upon submittal of a Preliminary Plat, the existing approach located along Hidden Valley Lane shall be removed. If a Special Exception is granted to allow access to proposed Lot B from Hidden Valley Lane or a Comprehensive Plan Amendment to the Major Street Plan to relocate the principal arterial street obtained, then the applicant shall submit an approach permit for review and approval; 13) Upon submittal of a Preliminary Plat, the applicant shall submit a Wild Land Fire Mitigation Plan for review and approval. In addition, the Wild Land Fire Mitigation Plan shall be implemented prior to Final Plat approval by the City Council; 14) Upon submittal of a Preliminary Plat, the applicant shall demonstrate fire department apparatus access to each lot. In particular, the plat document shall be revised to show an all weather surface emergency vehicle turnaround on each lot for any driveway in excess of 150 feet in length; 15) Prior to approval of the Preliminary Plat and after approval of the Layout Plat, the property shall be annexed into the incorporated City limits of Rapid City; 16) Prior to approval of the Final Plat, the property shall be rezoned to allow the proposed residential development and the Rapid City Area Long Range Comprehensive Plan shall be amended accordingly; 17) Prior to Final Plat approval by the City Council, the plat document shall be revised to show a 10 foot wide planting screen easement along the south lot line of proposed Lot B. The planting screen easement shall be shown on the plat so as not to interfere with any lot line utility and/or drainage easements; 18) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 19) Prior to Final Plat approval by the City Council surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. Mike Larson stated that his biggest concern is that the Planning & Zoning Commission and the City Council have approved Hidden Valley Road as a future principal arterial road. It could be twenty years into the future before this road has that much traffic. Currently, the road dead-ends with private access to several residences in this area. Vicki Fisher from the Planning Department explained that this item was brought forward from the Planning Commission for approval with sixteen stipulations. Specifically, a request has been made by the petitioner to allow direct access from Hidden Valley Road, with a secondary access from Hidden Valley Lane. Hidden Valley Road is classified on the major street plan as a principal arterial street. Hidden Valley Lane is classified as a local road. As such, the Street Design Criteria Manual requires that access to both of the lots be taken from Hidden Valley Lane. It is important to note that currently, the property (2.72 acre parcel) has access via Hidden Valley Lane. In order to subdivide it, or as a part of that subdivision, access should

continue to be taken from Hidden Valley Lane. The applicant did request a special exception to allow access from the principal arterial street, however, the Planning Commission has recommended that the request be denied. They recommended that a better option would be for the petitioner to come forward and look at the major street plan. If it is determined that this is not the proper location for a principal arterial street, then a comprehensive plan amendment should be submitted to relocate the principal arterial street to a better location. In doing so, documentation would have to be brought forward that would support that there is a viable alternate location and those property owners would have to concur as well. Kooiker asked when the road is scheduled for completion. Fisher explained that the major street plan has the function of identifying arterial connections in a north/south or east/west roadway. In this particular area, this is one of the only connections that will be extended through the east and west. The time frame will be developer driven to some extent. As we see additional development, that will expedite the need for the road. Fisher added that this property is immediately adjacent to the city limits. As this plat comes forward for approval, this particular site will be annexed. Additionally, as other properties in this area develop, they will also come into the city limits. With the potential of infrastructure improvements and city sewer and water, etc., we could see that road connection earlier rather than later. Fisher added that the Pennington County Highway Department has put us on notice that there is an existing approach to Lot B from Hidden Valley Road. However, an approach permit was not obtained for this location. It is not an approved approach. Larson noted that the approach has been in this location for approximately one month. It was put there for temporary access for engineering and figuring out certain aspects of how the house would go into there. It is temporary and can be removed. Larson clarified that on the major street plan that he has, it says proposed principal arterial, which means it is not a principal arterial road. It is proposed to be one in the future. Also, the grade on this road is in excess of 14%. Elkins added that the entire purpose of having a major street plan is to plan for the future. This Council has struggled many times with having to take away an approach that someone has had for years that was legal and was constructed in accordance with the regulations because development and growth have occurred. Kooiker withdrew his motion. Motion was made by Partridge and seconded by Waugh to approve the Layout Plat with the stipulations listed above. Larson also noted that the neighbor immediately to the west of this property recently received an approach permit from the County. However, since the property in question is being platted and therefore annexed into the city, I have to comply with the major street plan. Upon vote being taken, the motion carried unanimously.

Planning Department – Hearings

The Mayor presented No. 03CA007, a request by DLK Engineering for South Creek Village Limited Partnership for an **Amendment to the Comprehensive Plan to change the future land use designation on a 12.896 acres parcel of land from Residential to General Commercial** on a parcel of land described by metes and bounds as beginning at the SE Section Corner of Section 7, T1N, R8E, BHM ; thence N89°32'15"W a distance of 639.26 feet more or less; thence N00°00'35"W a distance of 50 feet more or less to the True Point of Beginning; this point is the common corner of the South East corner of Lot 2 Fellowship Addition and the South West corner of the remaining balance of Lot 2 Superpumper Addition; thence N00°00'35"W a distance of 610.83 feet more or less; thence N89°29'15"W a distance of 22.78 feet more or less; thence N00°02'07"E a distance of 330.81 feet more or less; thence S 89°37'12"E a distance of 211.89 feet more or less; thence S00°01'35"W a distance of 942.35 feet more or less; thence N89°32'15"W a distance of 189.26 feet more or less to the True Point of Beginning, located northwest of the intersection of Cambell Street and Fairmont Boulevard. Motion was made by Kooiker, seconded by Waugh and carried to deny this item without prejudice.

The Mayor presented No. 03CA008, a request by Centerline, Inc. for Lazy P-6 Land Company, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use**

designation on a 15 acre parcel from Light Industrial to General Commercial located south of the SE quadrant of proposed 5th Street and Catron Boulevard intersection. The following Resolution was introduced read and Kooiker moved its adoption:

**RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY**

WHEREAS the Rapid City Council held a public hearing on the 19th day of May, 2003 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on the north 270 feet only on a 15 acre parcel from Light Industrial to General Commercial on Government Lot 4 in the SW1/4 of Section 19, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of the SE quadrant of proposed 5th Street and Catron Boulevard intersection, and good cause appearing therefor

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

Dated this 19th day of May, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The Mayor presented No. 03CA009, a request by Centerline, Inc. for Lazy P-6 Land Company, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a five acre parcel of land from Light Industrial to General Commercial**, located SE quadrant of proposed 5th Street and Catron Boulevard intersection. The following Resolution was introduced, read and Kooiker moved its adoption:

**RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY**

WHEREAS the Rapid City Council held a public hearing on the 19th day of May, 2003 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a five acre parcel of land from Light Industrial to General Commercial, on the west 494 feet of Government Lot 3 less the north 900 feet in the NW1/4 SW1/4 of Section 19, T1N, R8E, BHM, Pennington County, South Dakota and good cause appearing therefor

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

Dated this 19th day of May, 2003.

CITY OF RAPID CITY

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

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.

The Mayor presented No. 03CA010, a request by FMG, Inc. for Bypass LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on a 35.62 acre parcel of land from Light Industrial to General Commercial** located north and west of the intersection of I-90 and Elk Vale Road. The following Resolution was introduced, read and Kooiker moved its adoption:

**RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY**

WHEREAS the Rapid City Council held a public hearing on the 19th day of May, 2003 to consider an amendment to the Comprehensive Plan Amendment by changing the future land use designation on a 26.59 acre parcel of land from Light Industrial to General Commercial on that part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following description: Commencing at a point along the east section line of Section 28, said point being 607.94 feet south of the NE corner of Section 28; thence S00°01'17"E, 1106.92 feet to a point along the east section line of Section 28; thence S89°58'15"W, 399.77 feet to a point; thence N00°01'45"W, 1107.46 feet to a point; thence S89°57'07"E, 399.92 feet to a point along the east section line of Section 28, said point being 607.94 feet south of the NE corner of Section 28 at the point of beginning; more generally described as being located north and west of the intersection of I-90 and Elk Vale Road; and good cause appearing therefor

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

Dated this 19th day of May, 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. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03CA011, a request by FMG Inc. for Bypass LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on a 9.04 acre parcel of land from General Commercial with a Planned Commercial Development to General Commercial** on that part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota that lies within the following metes and bounds description: Commencing at an aluminum survey cap at the center of Section 28; thence N74°51'58", 321.14 feet to a point; thence N60°29'01"E, 1167.82 feet to a point; thence

S00°01'03"E, 663.68 feet to a point at the South 1/16 Corner of the NE1/4 of Section 28; thence N89°48'22"W, 1326.47 feet to an aluminum survey cap at the center of Section 28 at the point of beginning, located northwest of the intersection of Elk Vale Road and Interstate 90. Motion was made by Kooiker, seconded by Waugh and carried to acknowledge the applicant's withdrawal of this item.

The Mayor presented No. 02SV042, a request by Dream Design International Inc. for a **Variance to the Subdivision Regulations to waive the requirements to install sidewalks and curb and gutter as per Section 16.16 of the Subdivision Regulations** on the following property: A parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described by metes and bounds as: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register off Deeds Office in Book 30, Page 155; thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 Feet; thence N11°40'26"E 155.33 Feet; thence N21°22'17"E 120.00 Feet; thence S68°37'43"E 160.00 feet; thence N21°22'17"E 632.95 feet; thence N68°45'17"W 12.50 feet; thence N21°22'17"E 24.00 feet; thence S68°45'17"E 8.37 feet; thence N21°22'31"E 32.50 feet; thence S68°45'17"E 20.00 feet; thence S21°22'31"W 32.50 feet; thence S68°45'17"E 45.63 feet; thence S21°22'17"W 24.00 feet; thence N68°45'17"W 12.50 feet; thence S21°22'17"W 124.33 feet; thence N90°00'00"E 96.61 feet; Thence S00°00'00"E 116.52 feet; thence S90°00'00"W 142.20 feet; thence S21°22'17"W 129.24 feet; thence S23°37'43"E 14.14 feet; thence S68°37'43"E 30.17 feet; thence S21°22'17"W 40.00 feet; thence N68°37'43"W 30.17 feet; thence S66°22'17"W 14.14 feet; thence S21°22'17"W 314.36 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 12°43'49", an arc length of 27.88 feet to a point tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 34°44'55", an arc length of 76.11 feet to a point of reversed curvature; thence southerly along the arc of said reversed curve to the right whose radius 174.50 feet and whose delta is 31°36'04", an arc length of 96.24 feet to a point of tangency; thence S05°29'36"W 86.04 feet; thence S41°39'58"E 13.64 feet to a point lying on a curve concave to the south and whose chord bears N84°30'24"W, 69.00 feet; thence westerly along the arc of said curve to the left whose radius 438.00 feet and whose delta is 09°02'07", an arc length of 69.07 feet to a point on said curve; thence N48°34'56"E 14.64 feet; thence N05°29'36"E 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 11°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point of Beginning, legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Birkdale Road off Muirfield Drive. Motion was made by Kooiker, seconded by Rodriguez and carried to continue this item until June 16, 2003.

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

Highway 16. Sperlich stated that after two years of negotiating with the US Forest Service, who will ultimately be the owner of this property, it appears that this encumbrance on the property is not acceptable. The funding for this project, through the federal budget process is precarious and we would like to get it approved tonight, if possible. Sperlich added that the road abutting this property is a US highway and there is no intention to provide curb and gutter along Highway 16, south of Catron Boulevard. In fact, the plan is to make this an expressway and limit access points along the street. Substitute motion was made by Hanks seconded by Murphy and carried that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit and sidewalk on Moon Meadows Drive be denied; and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and paving and to dedicate right of way for the collector road as shown on the Major Street Plan and to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 be approved.

The Mayor presented No. 02PL095, a request by Doug Sperlich for 16 Plus, LLC for a **Preliminary and Final Plat** located northwest of U.S. Highway 16 and Moon Meadows Road. The following Resolution was introduced, read and Hanks moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 3, Moon Ridge Subdivision, and Sewer and Utility Easements of Tract 2, Pioneer Subdivision (formerly a portion of Tract 1, & a portion of Tract 2 of Pioneer Subdivision) located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, 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 3, Moon Ridge Subdivision, and Sewer and Utility Easements of Tract 2, Pioneer Subdivision (formerly a portion of Tract 1, & a portion of Tract 2 of Pioneer Subdivision) located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, 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 19th day of May, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Murphy. Elkins noted that the information has been submitted for this item, however, it was after the Wednesday afternoon deadline. Rodriguez spoke against approving this item, on principal. Upon vote being taken, the motion carried with Rodriguez voting no.

The Mayor presented No. 03SV001, a request by Dream Design International for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalks and water along Cliff Drive and Miracle Place as per Chapter 16.16 of the Subdivision Regulations** on Lots A, B, and C, Canyon Lake Heights Subdivision, located in

the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3, Block 15, of Canyon Lake Heights Subdivision located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Cliff Drive and Miracle Place. Motion was made by Kooiker, seconded by French and carried to continue this item until June 2, 2003.

The Mayor presented No. 03SV011, a request by Sean Casey for a **Variance to the Subdivision Regulations to waive the requirement for sidewalks along Woodridge Drive and Pine Knoll Place** on Lot 29 Revised of Woodridge Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 29, 30 and 31 of Woodridge Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1183 Woodridge Drive. Motion was made by Kooiker, seconded by French and carried to continue this item until June 2, 2003.

The Mayor presented No. 03SV013, a request by Renner & Sperlich Engineering Company for Dean Kelly for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, dry sewer, paving and additional right-of-way width on Corral Drive as per Chapter 16.16 of the Subdivision Regulations** on Lots B and C of Lot 6, Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3960 Corral Drive. Motion was made by Kooiker, seconded by French and carried to continue this item until June 16, 2003.

The Mayor presented No. 03SV016, a request by FMG, Inc. for Bypass LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk and to improve pavement along Elk Vale Road and to waive the requirement to install sidewalk along a portion of East Road, West Road, Seger Drive and Mall Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 9 of Block 1, Lots 1 thru 5 of Block 2, Lots 1 thru 12 of Block 3, Lot 1 of Block 4, Lots 1 thru 6 of Block 5, and Lot 1 of Block 6, Heartland I90 Business Park, located in the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NE1/4; N1/2 NE1/4 NE1/4; and the unplatted portion of the S1/2 NE1/4 NE1/4; N1/2 SE1/4 NE1/4 all in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north and west of the intersection of I-90 and Elk Vale Road. Motion was made by Kooiker, seconded by Rodriguez and carried to continue this item until June 2, 2003.

Motion was made by Kooiker, seconded by Rodriguez and carried to authorize Mayor and Finance Officer to sign a waiver of right to protest a future assessment for street improvements on 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 (03SV016).

The Mayor presented No. 03SV017, a request by Steve and Diana Ringler for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and to improve pavement along Sheridan Lake Road and Clarkson Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot A and Lot B of Lot 2 of Block 1, Clarkson Subdivision, located in the NE1/4 of the NE1/4 of Section 31, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Block 1, Clarkson Subdivision, located in the NE1/4 of the NE1/4 Section 31, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 7989 Clarkson Road. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested

Variance, with the following stipulation: 1) Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment for the improvements.

Motion was made by Kooiker, seconded by Waugh and carried to authorize the Mayor and Finance Officer to sign a waiver of right to protest a future assessment for street improvements on Lot 2 of Block 1, Clarkson Subdivision, located in the NE1/4 of the NE1/4 Section 31, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 7989 Clarkson Road (03SV017).

The Mayor presented No. 03SV018, a request by D.C. Scott Co. Land Surveyors for Thomas Knight for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and to improve pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 4R, Lot 5R, and Lot 6 of Knight's Acres Subdivision, shared approach easement, vacated access easement, and dedicated Anderson Road right-of-way located in the N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 4 and Lot 5 of Knight's Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located south of Longview Road and west of Anderson Road. Motion was made by Kooiker, seconded by Waugh and carried to continue this item until June 2, 2003.

Ordinances & Resolutions

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

RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

WHEREAS the City Council of the City of Rapid City conducted a public hearing at the City/School Administration Center, 300 Sixth Street, Rapid City, South Dakota at 7:00 p.m. on the 7th day of April 2003, and adopted a Resolution entitled, "A Resolution Declaring Intent to Extend the Boundaries of the City of Rapid City by Annexing the Within Described Territory"; and,

WHEREAS the City Council of the City of Rapid City held a public hearing to consider the adoption of this Resolution of Annexation at the City/School Administration Center, 300 Sixth Street, Rapid City, South Dakota, at 7:00 p.m. on the 19th day of May 2003.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the City Council of the City of Rapid City finds as follows:

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

TIMETABLE

A. GENERAL SERVICES. All services provided by the City, except as set forth below, will be provided to the annexed area on the same basis such services are provided to the rest of the City upon annexation.

B. POLICE. All services provided by the Rapid City Police Department will be extended to the annexed area upon annexation on the same basis such services are provided to the rest of the City.

C. FIRE. All services provided by the Rapid City Fire Department will be extended to the annexed area upon annexation on the same basis such services are provided to the rest of the City.

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

(1) Acceptance of additions. The City will accept into its system for operation and maintenance additional water service facilities constructed in accordance with City standards. Additions may be constructed by developers as future development takes place, by private parties constructing such additions after notice to the City and in compliance with City standards, or by the City under a resolution of necessity therefor.

(2) Construction of additions by the City. The City shall, within thirty (30) days after receipt by the Finance Officer of a written request therefor signed by one or more owners of land located in the annexed area, undertake all such proceedings authorized by SDCL 9-48 as may be necessary and appropriate to permit:

(a) the construction of such water lines as may be necessary and appropriate to serve such land; and

(b) the assessment of the costs thereof as provided by law.

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

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

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

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

(1) Acceptance of Additions. The City will accept into its system for operation and maintenance such additional sewer lines constructed in accordance with City standards. Such additions may be constructed by developers as further development takes place, by private parties constructing such additions after notice to the City and in compliance with City standards, or by the City under a resolution of necessity therefor.

(2) Construction of additions by the City. The City shall, within thirty (30) days after receipt by the Finance Officer of a written request therefor signed by one or more owners of land located in the annexed area, undertake all such proceedings authorized by SDCL 9-48 as may be necessary and appropriate to permit:

- (a) the construction of such sewer lines as may be necessary and appropriate to serve such land; and
- (b) the assessment of the costs therefor as provided by law.

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

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

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

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

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

Street lighting presently existing in the annexed area and which becomes the responsibility of the City will be continued upon annexation. Additional street lighting in accordance with criteria generally employed through the City and with due consideration for

the wishes of the residents will be provided within ninety (90) days after the streets to be lighted are paved; no lighting is expected to be provided on unpaved streets.

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

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

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

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

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

I. **LIBRARY.** All services provided by the Rapid City Public Library shall be made available to the residents of the annexed territory on the same basis such services are provided to the rest of the City upon annexation.

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

APPROXIMATE COSTS

A. **GENERAL SERVICES.** All services as set forth in Paragraph A of the Timetable may be provided to the annexed area without discernible additional cost to the residents of the annexed area or to the City of Rapid City; provided, however, that the use of services requiring the payment of fees shall be provided in return for payment of such fees in accordance with the applicable ordinances and regulations.

B. **POLICE.** All services provided by the Rapid City Police Department will be provided to the residents of the annexed area with no discernible additional cost to the City or the residents of the annexed area.

C. **FIRE.** All fire suppression services are now provided by the Rapid Valley rural Fire Protection District through the Rapid Valley Volunteer Fire Department. Upon annexation the Rapid City Fire Department will provide emergency services (including fire suppression, medical/rescue services, and hazardous material handling) and non-emergency services (including fire inspection/investigation and public education).

The City is obligated to pay the Rapid Valley Fire Department for any debts that have been incurred. It is estimated that the Rapid Valley Fire Department has incurred debt of approximately \$164,566.34. A proportionate share of this debt will have to be paid to the Rapid Valley Fire District upon annexation of the study area. This amount is estimated by Rapid Valley Fire District to be approximately \$600 or less.

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

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

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

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

Water Service Fees

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

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

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

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

Annual State Environmental Tax Surcharge

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

Tap Fees

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

Capital Development Fees

A. Residential Connection: A single family residence with a single water connection, including, but not limited to, condominiums and townhomes, shall pay a capital development fee of \$1,000.00.

B. Multifamily Residential connections: Multifamily residential units shall be charged a capital development fee in the following amounts:

One (1) bedroom dwelling unit.....	0.7 SFRE (\$700)
Two (2) bedroom dwelling unit.....	0.8 SFRE (\$800)
Three (3) or more bedroom dwelling unit.....	1.0 SFRE (\$1000)

C. Commercial and Industrial connections: Commercial and Industrial users shall pay a Capital Development Fee equal to \$750.00 per SFRE. The addition of a larger meter or additional meters at any time in the future will incur an additional capital development fee. The number of SFREs per user shall be determined based on the water meter size as follows:

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

8"	29.0
Irrigation	0.0
Unmetered	0.0

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

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

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

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

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

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

SEWER FEES

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

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

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

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

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

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

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

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

An annual environmental tax surcharge applies as follows:

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

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

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

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

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

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

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

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

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

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

5. Estimated difference in tax assessment rate:

A. *Owner occupied property:*

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

B. *Non-agricultural property:*

That the estimated difference in the 2002 tax assessment rate applied to a non-agricultural property within the Rapid Valley Fire District upon annexation would be the addition of the City of Rapid City levy of 3.3041 mills and elimination of the combined Fire Administration, Library, and Unorganized Road levy of 1.7085 mills and the Rapid Valley Fire

levy of 0.5325 mills. The total levy for non-agricultural property in the Rapid Valley Fire District would therefore increase by 1.0631 mills, an estimated 4.15%.

C. Agricultural property:

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

D. Non-agricultural Z property:

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

6. That exclusions or irregularities in boundary lines are not the result of arbitrariness but are based upon existing city limit lines, existing features, existing property boundaries, and existing occupancies and uses.

7. That there is reasonable present and demonstrable future need for annexing said territory.

8. That population and census data indicate that the City has and may experience growth or development beyond its present boundaries.

9. That there exists a commonality between the within described territory and the existing City of Rapid City.

10. That there are no significant physical barriers between the within described territory and the existing City of Rapid City.

11. That annexation of the within described territory to the City of Rapid City will result in a more compact, integrated City.

BE IT FURTHER RESOLVED by the City of Rapid City that the following described territory be and is hereby annexed to and included within the boundaries of the City of Rapid City:

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

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

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

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

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

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

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

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

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

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

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

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

DATED this 19th day of May 2003.

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

THE CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The Mayor presented No. 03TI005, a request by Gandolf Group, LLC for a **Resolution Creating a Tax Increment Financing District** on property located west of South Highway 79 and north of East Fairmont Boulevard. The following Resolution was introduced, read and Hanks moved its adoption:

A RESOLUTION CREATING TAX INCREMENT DISTRICT NO. 40
FOR SOUTH CREEK VILLAGE
CITY OF RAPID CITY

WHEREAS the property within the following described District meets the qualifications and criteria set forth in SDCL 11-9; and,

WHEREAS the Council of the City of Rapid City finds that the aggregated assessed value of taxable property in this District, plus the assessed values of all other districts currently in effect, does not exceed ten percent (10%) of the total assessed value of taxable property in the City of Rapid City; and,

WHEREAS the Council finds that:

- (1) Not less than twenty-five percent (25%), by area, of the real property within the district is a blighted area as defined in SDCL 11-9-9 through 11-9-11; and,
- (2) The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in the district.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the real property legally described as:

Lot 2, Superpumper Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

N1/2N1/2E1/2SE1/4SE1/4 less the east 90 feet, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

is hereby designated as Tax Increment District Number 40, City of Rapid City.

DATED this 19th day of May 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Murphy. Asst. City Attorney Jason Green advised the Council that it is the opinion of the City Attorney's Office that the statutory prerequisite of 25% blight is not present on this property. It was noted that this development has received approval from the City for a CDBG grant in the approximate amount of \$240,000. The grant application is now before the Department of Housing and Urban Development for final review. Kooiker stated the City has been generous with this development and he has concerns about TID funding in light of the opinion expressed by the City Attorney's Office. Roll call vote was taken: AYE: Partridge, Kroeger, Waugh, Rodriguez, Murphy, French and Hanks; NO: Kriebel, Hadley and Kooiker. Motion carried, 7-3.

The Mayor presented No. 03TI006, a request by Gandolf Group, LLC for a **Tax Increment Financing District - Project Plan** on Lot 2, Superpumper Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the N1/2 N1/2 E1/2 SE1/4 SE1/4 less the east 90 feet, Section 7, T1N, R8E, BHM, Rapid City Pennington County, South Dakota, located west of South Highway 79 and north of East Fairmont Boulevard. The following Resolution was introduced, read and Hanks moved its adoption:

RESOLUTION APPROVING THE PROJECT PLAN
FOR TAX INCREMENT DISTRICT NO. 40 FOR
SOUTH CREEK VILLAGE AS SUBMITTED BY THE
RAPID CITY PLANNING COMMISSION

WHEREAS the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and,

WHEREAS the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and,

WHEREAS there has been established Tax Increment District South Creek Village; and,

WHEREAS the Council deems desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and,

WHEREAS the Project Plan submitted helps make this development feasible by assisting with the costs of water and sanitary sewer extensions, East Oakland Street and sidewalks and storm drainage improvements; and,

WHEREAS the Project Plan submitted will provide affordable housing for the community; and,

WHEREAS the use of Tax Increment Funding to promote this development is in keeping within the statutes adopted by the South Dakota State Legislature; and,

WHEREAS there has been developed a Project Plan for this Tax Increment District which proposes this improvement; and,

WHEREAS the Council has determined that the Project Plan for Tax Increment District South Creek Village is economically feasible; and,

WHEREAS the Council has further determined that this Project Plan is in conformity with the adopted Comprehensive Plan,

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Tax Increment District Project Plan for Tax Increment District South Creek Village be, and is hereby, approved as submitted by the Rapid City Planning Commission.

DATED this 19th day of May 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The Mayor presented No. 02RZ065, second reading of **Ordinance 3884**, a request by Dream Design International Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** on the following property: A parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described by metes and bounds as follows: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; Thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 feet; thence N11°40'26"E 155.33 feet; thence N21°22'17"E 120.00 feet;

thence S68°37'43"E 160.00 feet; thence S21°22'17"W 120.00 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 12°43'49", an arc length of 38.77 feet to a point of tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 34°44'55", and arc length of 105.83 feet to a point of reversed curvature; thence southerly along the arc of said curve to the right whose radius is 125.50 feet and whose delta is 19°48'27", an arc length of 43.39 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point Of Beginning; in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Birkdale Road off Muirfield Drive. Motion was made by Hanks, seconded by Rodriguez and carried to continue this item until June 16, 2003.

The Mayor presented No. 03RZ015, second reading of **Ordinance 3932**, a request by DLK Engineering for South Creek Village Limited Partnership for a **Rezoning from Medium Density Residential District to General Commercial District** on the following property: A parcel of land described by metes and bounds as beginning at the SE Section Corner of Section 7, T1N, R8E, BHM; thence N89°32'15"W a distance of 639.26 feet more or less; thence N00°00'35"W a distance of 50 feet more or less to the True Point of Beginning; this point is the common corner of the Southeast corner of Lot 2 Fellowship Addition and the Southwest corner of the remaining balance of Lot 2 Superpumper Addition; thence N00°00'35"W a distance of 610.83 feet more or less; thence N89°29'15"W a distance of 22.78 feet more or less; thence N00°02'07"E a distance of 330.81 feet more or less; thence S°89°37'12"E a distance of 171.89 feet more or less; thence S00°01'35"W a distance of 942.35 feet more or less; thence N89°32'15"W a distance of 149.26 feet more or less to the True Point of Beginning, located northwest of the intersection of Cambell Street and Fairmont Boulevard. Motion was made by Hanks, seconded by Kooiker and carried to continue second reading until June 16, 2002.

The Mayor announced the meeting was open for hearing on **Ordinance 3938**, a request by FMG, Inc. for Bypass LLC for a **Rezoning from General Agriculture District to General Commercial District** on the following property: That part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following metes and bounds description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1188.29 feet to a point; thence N00°01'45"W, 1107.46 feet to a point; thence S89°57'07"E, 399.92 feet to a point along the east section line of Section 28; thence S00°01'17"E, 1383.49 feet to a point along the east section line of Section 28; thence N89°54'47"W, 32.73 feet to a rebar with survey cap marked "2652"; thence N89°54'47"W, 1292.77 feet to a point; thence S00°01'04"E, 663.68 feet to a point at the south 1/16 corner of the NE1/4 of Section 28; thence N89°48'22"W, 1326.47 feet to an aluminum survey cap at the center of Section 28 at the point of beginning, located north and west of the intersection of I-90 and Elk Vale Road. Notice of hearing was published in the Rapid City Journal on April 25 and May 3, 2003. Ordinance 3938, having had the first reading on April 21, 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 3938 was declared duly passed up its second reading.

Ordinance No. 3939, Supplemental Appropriation No. 4 for 2003, (No. LF043003-06R), having passed the first reading on May 5, 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 3939 was declared duly passed up its second reading.

The next item discussed by the Council was No. CC050503-02R, first reading of **Ordinance No. 3940** entitled An Ordinance Amending Chapter 10.32 of the Rapid City Municipal Code by Changing the Title of Chapter 10.32 and by Adding a New Section 10.32.005 Defining Certain Terms and by Adding New Sections 10.32.200, 10.32.210, 10.32.220, 10.32.230, 10.22.240, 10.22.250, 10.22.260, 10.22.270, and 10.22.280 Regulating Overweight Trucks. Motion was made by Rodriguez and seconded by Waugh to approve first reading. Kooiker asked if this ordinance will regulate pickup trucks. Asst. City Attorney Jason Green stated that he would have an answer at the next committee meeting. Kooiker also requested information on how the ordinance would be enforced for pickup trucks, and in light of the state regulations for gross vehicle weight. Also, will the city have authority to sell overweight permits, will this ordinance divert money from the schools, and does the city have a place to impound trucks? Jeanette McIntyre expressed concern that the proposed ordinance is duplicating state law. Also, one of the sections is contrary to state law, specifically, allowing the city engineer to reduce the limits that truckers can carry. She added that the proposed ordinance does not take into account agricultural issues. Substitute motion was made by Hanks and seconded by Partridge to continue first reading of this ordinance to the next Legal & Finance Committee meeting. Upon vote being taken, the motion carried unanimously.

Ordinance 3941 (No. 03RZ018) a request by Dream Design International, Inc. for a **Rezoning from No Use District to General Commercial District** on the following property, was introduced: A parcel of land located in a portion of the NW1/4 NW1/4 of Section 34 and a portion of the SW1/4 SW1/4 of Section 27, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the Southeast corner of the N1/2 NW1/4 of said Section 34, thence N89°52'24"W, along the south line of said N1/2 NW1/4, 1824.64 feet to the True Point of Beginning; thence continuing along said south line, N89°52'24"W, 701.63 feet to a point lying on the easterly right-of-way line of North Elk Vale Road; thence N00°01'02"W along said easterly right-of-way line, 1501.22 feet to a point lying on a curve concave to the Northwest and whose chord bears N71°37'58"E, 744.25 feet; thence easterly along the arc of said curve to the left whose radius is 5829.58 feet and whose central angle is 07°19'11", an arc length of 744.76 feet to a point on said curve; thence S00°08'25"W, 1737.30 feet to the True Point of Beginning, located east of North Elk Vale Road on Columbia Boulevard. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 3941 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, June 2, 2003.

Legal & Finance Committee Items

The next item discussed by the Council was No. LF051403-07A, a Resolution to Amend the Non-Union Compensation Salary Plan to Establish the Position of Civic Center Assistant General Manager. Motion was made by Hanks and seconded by Waugh to approve the Resolution. Partridge spoke against the motion noting that the city is trying to find funding for other projects. Adding a position at this time is a great concern. Finance Officer Preston explained that this resolution will create the position, but an FTE will not be added. The events coordinator will move into the new position, while continuing the duties of the previous position. No additional budget for this position has been requested. Kooiker stated that it wasn't warranted for the Planning Department to have an assistant director, and he doesn't feel it is warranted for the Civic Center either. Hanks explained that the Civic Center Board would like to have the position for the Asst. Manager in order to attract more qualified applicants for the position. They are looking for an individual who has the ability and contacts to attract large events for the facility. Kooiker suggested that the job description for the events coordinator be amended to include managerial duties as required. Then there would be no need to create a position called assistant manger. 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.

The following Resolution (No. LF051403-07B) was introduced, read and Hanks moved its adoption:

RESOLUTION TO AMEND THE
NON-UNION COMPENSATION SALARY PLAN
TO ESTABLISH THE POSITION OF
FIRE AND EMERGENCY SERVICES ACCOUNTING 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 Non-Union pay scale;

Fire & Emergency Services Accounting Technician Grade 12 \$27,788 to \$42,265/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 19th day of May, 2003

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

THE CITY OF RAPID CITY
s/Jim Shaw, Mayor

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

The following Resolution (No. LF051403-07C) was introduced, read and Hanks moved its adoption:

RESOLUTION TO AMEND THE
NON-UNION COMPENSATION SALARY PLAN
TO ESTABLISH THE POSITION OF
RECREATION PROGRAM SPECIALIST ASSISTANT

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 Non-Union pay scale;

Recreation Program Specialist Assistant Grade 10 \$25,209 to \$38,334/yr.

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

Passed this 19th day of May, 2003

THE CITY OF RAPID CITY

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

s/ Jim Shaw, Mayor

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

Motion was made by Hanks, seconded by Rodriguez and carried to continue No. LF051403-09 – Authorize Mayor and Finance Officer to Sign Agreement with Robert Grimm and Donald Grimm, to the June 11, 2003 Legal & Finance Committee meeting.

Motion was made by Hanks, seconded by Murphy and carried to approve use of the approved forms for the **Walk Through Site Inspections** (No. CC051903-08 and CC051903-09).

Ordinance 3942 (No. LF051403-14) entitled An Ordinance To Allow A Majority of the Legal and Finance Committee or the Public Works Committee to Propose an Ordinance Amendment by Amending Section 2.28.030 of the Rapid City Municipal Code, was introduced. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 3942 was placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 2, 2003.

Public Works Committee Items

Motion was made by Rodriguez and seconded by Kroeger to approve No. PW051303-06 – Authorize Mayor and Finance Officer to sign Amendment No. 02 to Professional Service Agreement with Kadmas, Lee & Jackson to Design W99-845, **Dyess Water Main Extension** Project for an amount not to exceed \$11,430. Kooiker stated that he will be voting against the motion because of the time lapse between the original project and now. Upon vote being taken, the motion carried with Kooiker voting no.

Motion was made by Rodriguez and seconded by Waugh to approve No. PW051303-07 – Authorize Mayor and Finance Officer to sign a Professional Service Agreement with CETEC Engineering Services, Inc. to Design W03-1308, **8th Street Water Main Extension Project** for an amount not to exceed \$11,259.20. Upon vote being taken, the motion carried with Kooiker voting no.

The next item discussed by the Council was a request by Working Against Violence, Inc. to **waive the Impact Fee** for 525 & 527 Quincy Street. Motion was made by Rodriguez and seconded by Waugh to approve the request. Asst. City Attorney Jason Green reminded the Council that they have requested an opinion from outside counsel on waivers of impact fees. It might be appropriate to get that opinion before a decision is made on this request. He added that he expects the opinion to be submitted prior to the next Council meeting. Green stated that it is his opinion that this request does not qualify for a waiver under the ordinance. Hadley stated that there is currently water service at this location, so according to the ordinance, why wouldn't it qualify. Green stated that the ordinance speaks to requiring payment of the fee when there is a need for a connection permit. There will be a need for a connection permit because there will be a larger meter, therefore, the ordinance requires payment of the fee. Public Works Director Dan Bjerke explained that if there was existing service, we have been giving credit for the existing service. If they came in with a larger meter than what was there before, we charged them the difference between the new meter size and the original meter size. In this particular case, there were three connections. The credit available at this location exceeded the charge for the new meter. Murphy noted that there will not be any additional impact on the water system by granting this waiver. Bjerke

concurrent. Peg Seljeskog stated that there are federal dollars involved with this project. Green noted that the ordinance speaks to federal dollars used in construction of low income housing, not just the use of federal funds for a project. Planning Director Elkins stated that staff has considered shelters a type of housing and as such, they would fit within the definition of low-income housing in terms of the Community Development Block Grant program. Bjerke explained that staff is not looking at waiving these fees. He feels this property qualifies for credit for water services that were on this site and paying into the water enterprise for years. If that is acceptable, there would be no charge for the larger meter, based on the credit from the previous connections. Hanks stated that there is no definition of low income housing in the ordinance. The Council only needs to make the determination that this is low income housing, and the fee can be waived. Green stated that the Council cannot just make a determination on low income housing. There must be a reasonable basis for it. If you state the basis and it is supported by the facts, then that would be a reasonable approach. Hanks suggested that the following be added to the motion: the finding of the Council is, because of the nature of WAVI providing shelter for low income individuals, and also the criteria that we use throughout the city for CDBG, we determine this project to be low income. Rodriguez declined to include this statement in her motion. She amended her motion to read that this is not a waiver of the impact fees. It is an action to acknowledge credit for previous connections to the water system which results in no charge for the new meter for this location. Green advised the Council that there is no basis in the ordinance for granting credit. The ordinance contemplates payment of the fee. Substitute motion was made by Kriebel and seconded by Hadley to pay \$2,175 in impact fees for the WAVI Project on Quincy Street, funding to come from the 2003 Council Contingency Fund. Rodriguez called the question and there were no objections. Roll call vote was taken: AYE: Kroeger, Hadley, Waugh, Rodriguez, Kooiker, French and Hanks; NO: Partridge, Kriebel and Murphy. Motion carried, 7-3.

Motion was made by Kriebel, seconded by Hadley and carried to put Ordinance 3736 relative to impact fees on the next Legal & Finance Committee agenda for discussion.

Motion was made by Rodriguez and seconded by Kriebel to approve the request from **Working Against Violence** to waive Demolition, Building Permit and Landfill Disposal fees for 525 & 527 Quincy Street (No. PW051303-10). Hanks asked about the existing policy on waiving tipping fees. Public Works Director Bjerke explained that the fee for non-profit organizations is a reduction from \$45 to \$10 per ton. Regarding other fees, we have a policy for inter-governmental agencies. For projects that need inspections, they pay by the hour for this service. Peg Seljeskog stated that WAVI provides a very valuable service to this community and is an integral part of the community's public safety. WAVI provides the difference in life and death situations, and this sets the organization apart from other non-profit organizations. Kooiker noted that other communities have paid personnel to provide similar services to the WAVI program. He suggested that the city consider including WAVI in the City's budget and providing a line item for domestic violence. It is time to fully acknowledge the partnership between WAVI and the City of Rapid City. Hanks stated that if the Council doesn't like the rules, they should be changed. We should not waive fees for one organization but require others to pay them. Kooiker moved the previous question. There were no objections. Roll call vote was taken: AYE: Hanks, French, Rodriguez, Hadley and Kriebel; NO: Kooiker, Murphy, Waugh, Kroeger and Partridge. Motion failed due to a tie vote. Motion was made by Hanks and seconded by Rodriguez to pay \$7,855.16 in fees for the WAVI project, funding to come from the 2003 Council Contingency Fund. Kooiker requested that the Chief of Police sit down with WAVI and discuss their needs and consider adding them to the budget process for 2004. Finance Officer Preston noted that WAVI is part of the subsidy program which is approved by the Council on an annual basis. Upon vote being taken, the motion carried with Murphy voting no.

Motion was made by Waugh and seconded by Kroeger to approve No. PW051303-08 – **Travel Request** for Jim Clark to attend Codes Forum 2003 – ICC Annual Conference in

Nashville, TN, September 4-13, 2003 for an amount not to exceed \$2,298.30. Partridge spoke against the motion noting that the items from the conference will be public information after the conference. Roll call vote was taken: AYE: Waugh, Kroeger and Murphy, NO: Hanks, French, Kooiker, Hadley and Partridge. Motion failed, 3-5.

Motion was made by Waugh, seconded by Kroeger and carried to approve the request to **purchase of brooms**, mops and brushes from Black Hills Chemical Company under State Contract No. 13822 for Various City Departments.

The next item before the Council at this time was the **Standard Specifications** for Public Works Construction Projects. Motion was made by Kriebel, seconded by Waugh and carried to discuss this item. George Dunham, Chairman of the Development Appeals and Review Board, explained that the DARB was asked to review the new city specifications. The Council also directed at the last meeting that the new specs not be implemented until August 1, 2003. Dunham explained that not implementing the new specs, after staff had started using them, would create chaos in the development industry. Dunham suggested that the Council allow the staff to use the new specifications on the projects that have already been bid and are under contract; that will solve part of the problem. It will be very difficult to go back and undo the plans and contracts. The projects that are in progress will continue to use the 1994 specifications until the DARB has a chance to review the new spec and make a recommendation to the Council. Motion was made by Kooiker and seconded by Rodriguez to affirm the previous action of the council with the exception of directing that city infrastructure projects already under contract, or ready for bid as of May 19, 2003, shall be accepted. Substitute motion was made by Hanks and seconded by Waugh that we affirm the previous action of the council with the exception of city infrastructure projects already under contract or which are ready for bid, and that those projects proceeding use either the 1994 or 2002 specification, depending on which was used for their design. Upon vote being taken, the motion carried unanimously.

Motion was made by Kroeger and seconded by Rodriguez to allocate \$2.5 million of Infrastructure funds in the 2012 Program to the **5th Street Project**. Roll call vote: AYE: Partridge, Kroeger, Hadley, Waugh, Rodriguez, Kooiker and French; NO: Kriebel, Murphy and Hanks. Motion carried, 7-3.

Motion was made by Rodriguez and seconded by Kriebel that regarding the **5th Street Project**, move forward with Option B, as follows: 2012 Funds \$2,500,000; Tax Increment District (landowner funded) \$1,600,000; Reallocate IDPF for Tax Increment District (City) \$1,018,860; SDDOT \$440,000; Drainage (CIP – to be repaid from fees) \$610,000; Water Enterprise funds (to be repaid from fees) \$100,000; Sewer Enterprise Fund (to be repaid from fees) \$294,140; Total \$6,563,000. Murphy spoke against the motion noting that there is still one piece of property needed for this property. He is not in favor of setting money aside until this roadblock is resolved. Planning Director Elkins noted that the discussion at Public Works Committee last week indicated that funding for acquisition of the Walgar property was not part of this action. Additional discussion will be needed on how the City should proceed on that issue. Hanks objected to allocating money for a project when the necessary right-of-way has not been obtained. He urged the Council to take whatever actions are necessary to obtain the right-of-way prior to allocating funds for this project. Kroeger noted that the piece of property we're talking about is a very small piece of this project. The city is now ready to proceed with this project, knowing that additional action will need to be taken relative to the very small piece of land owned by Walgar Development. There are only three options left for the property in question: 1) Property owners can get on board with the project and pay their share; 2) Property Owners can offer to sell us the right-of-way at a fair and decent price; or 3) The City does a taking and the courts decide on the price. Hadley spoke in favor of proceeding with condemnation of this property. Hanks questioned the funding source labeled tax increment district, landowner funded. Elkins explained that the proposal from the landowners was that they would find private financing. A TIF would be created to re-pay the

landowners as well as the city for a portion of the project. Hanks spoke against using a TIF for this project. This would take the responsibility of paying for these improvements away from the benefiting property owners and put it all on the taxpayers of the community. This action would mean that the taxpayers of Rapid City would pay 100% of the Fifth Street Extension Project. Elkins stated that, ultimately, that is correct. Asst. City Attorney Jason Green noted that final action will be required on many of the options listed in the motion. For example, there is a specific statutory process that must be followed to create a tax increment district. The action before the Council at this time is approval of a concept; it is not final approval of the specific components. Kriebel stated that the extension of Fifth was the Council's number one priority several years ago, but it that has changed. He noted that his top priority at this time is economic development. There are other places in town that could use this \$2.5 million. Rodriguez stated that the Council has been working on this project for many years and she encouraged the Council to move forward. Also, this road is economic development. It will encourage development in the area which will increase the tax base. Hanks expressed concern about the precedence this action will set for future street projects the city will do. Roll call vote was taken: AYE: French, Kooiker, Rodriguez, Waugh, Hadley, Kroeger and Partridge; NO: Hanks, Murphy and Kriebel. Motion carried, 7-3.

Finance Officer

The following Resolution (No. CC051903-07) was introduced, read and Hanks moved its adoption:

RESOLUTION TO ESTABLISH ADDITIONAL STAFFING
IN THE RECREATION DIVISION

WHEREAS, the Recreation Division Manager has indicated that additional staffing will be necessary to provide necessary services for Recreation Services; and

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City Council to authorize an increased staffing of two full-time equivalents (FTE) for the remainder of the 2003 fiscal year to be allocated to the hiring of full-time benefited employees.

Dated this 19th day of May, 2003.

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

THE COUNCIL
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Kroeger. Kooiker asked if this action could wait until the 2004 budget discussion. Recreation Director Doug Lowe stated that these two positions are vital to getting programs started in the new community centers. Also, with the changes at the ice rink, there is additional programming required there as well. The following voted AYE: Murphy, Waugh, Kroeger, Kriebel and Partridge; NO: Hanks, French, Kooiker and Hadley. Motion carried, 5-4.

Addendum

The next item discussed by the Council was a recommendation from CIP Committee on funding for the **Public Safety Building Expansion Project**. Chairman Jim Preston, explained that the CIP Committee reviewed this request at their meeting on May 16, 2003. The Committee recommended that the Council approve \$900,000 in additional funding for the PSB Expansion Project from the CIP Fund. In order to accomplish this, the following projects will not be funded: Elm & St. Patrick Street pedestrian signal (\$300,000); Burn Building

(\$250,000) and Evidence Building (\$400,000). The Committee also recommended that staff look at borrowing \$950,000 to replace funding for these projects by joining the County's bond issue. Motion was made by Rodriguez and seconded by Waugh to approve the recommendation of the CIP Committee and approve an additional \$900,000 in funding for the PSB Expansion Project. Partridge expressed concern about the small amount of funding included in this project for contingencies. \$137,000 has been identified as the total amount of contingency for this multi-million dollar project. Gene Fennel from Lund & Associates explained that they are using a smaller percentage for the contingency line item because the work to be done is above ground. On most projects, contingencies occur underground when you can't see issues that might come up when moving dirt. 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 Rodriguez and carried to acknowledge notification from **Working Against Violence, Inc.** of their intent to conduct a raffle as a fundraiser, proceeds to be used to assist victims of domestic violence and sexual assault (No. CC051903-10).

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 or treasurers checks, drawn on the proper funds, in payment thereof:

Payroll Paid Ending 05-03-03, Paid 05-09-03	648,433.12
Payroll Paid Ending 05-03-03, Paid 05-09-03	948.48
Pioneer Bank, Taxes Paid 05-09-03	158,881.89
Pioneer Bank, Taxes Paid 05-09-03	66.44
Berkley Risk Administrators, Paid 5-5-03	6,612.15
MDU, gas service	4,119.79
BH Power & Light, electricity	3,795.39
Wells Fargo Corporate Card, lodging	2,101.15
First Administrators, claims Paid 5-7-03	61,115.40
PC Connection Place, laptops	5,085.00
Rustnot Corrosion Control Services, SSW02-1106	5,385.59
US Postmaster, billing postage	2,200.00
Computer Bill List	4,842,108.26
Total	\$5,740,852.66

Payroll Paid Ending 05-03-03, Paid 05-09-03	2,608.80
Pioneer Bank, Taxes Paid 05-09-03	191.65
City of Rapid City, insurance	608.56
City of Rapid City, liability insurance premium	532.00
City of Rapid City, postage	8.75
City of Rapid City, workers comp annual contribution	313.00
Dakota Business Center, copier usage	4.07
First Administrators, section 125 Fee	3.25
Philfleet, gasoline	125.35
SD Executive Management Finance Office, telephone	7.72
SD Retirement System, pension	273.39
Standard Life, insurance	7.92
Total	\$5,745,537.12

Executive Session

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

The Council came out of executive session, but no report was made.

As there was no further business to come before the Council at this time, the meeting adjourned at 12:35 A.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)