

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

August 2, 2004

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, August 2, 2004 at 7:00 P.M.

The following members were present: Mayor Jim Shaw and the following Alderpersons: Malcom Chapman, Tom Murphy, Jean French, Ron Kroeger, Jeff Partridge, Karen Gunderson-Olson, Sam Kooiker, Tom Johnson and Bill Waugh. The following Alderpersons arrived during the course of the meeting: None; and the following were absent: Ray Hadley.

Staff members present included City Finance Officer Jim Preston, Acting Public Works Director Ted Vore, City Attorney Jason Green, Growth Management Director Marcia Elkins, Parks and Recreation Director Jerry Cole, Fire Chief Gary Shepherd, Police Chief Craig Tieszen and Administrative Assistant Jackie Gerry.

Approve Minutes

Partridge moved, seconded by Olson and carried to Approve the minutes of July 19, 2004 with a correction to reflect that the Street Division Sand/Salt Storage Building #3 Project No. IDP04-1408 was awarded Lost Cabin-Lipp Construction, LLC; and July 26, 2004 (Special Council).

Adoption of the Agenda

The following items were added to the agenda:

- Water Task Force Appointments
- Permission to apply for a Cops More Technology Grant in the amount of \$427,210.15
- Executive Session to discuss pending litigation and personnel matters
- Lindbergh/Haines Avenue left-turn traffic signal, Alderman Kooiker
- Consider item nos. 96 and 104 after no. 4 on the agenda to be continued to August 16, 2004
- Consider item no. 85 under Items from Council Members/Liaison Reports, Alderman Partridge
- Request funds from Council Contingency for 2012 Advertising Campaign, Alderman Partridge
- Public Service Announcement regarding cancer victim, Doug Lefler, Alderman French
- Comments, Alderman French

Waugh moved, seconded by Partridge and carried to adopt the agenda as amended.

Bid Openings

The following companies submitted bids for **No. CC080204-01** Dahl Fine Arts Center Expansion, Elevator Replacement Project No. IDP04-1367 opened on July 28, 2004: SECO Construction, Inc., MAC Construction Company, Inc. and Corner Construction Corporation. Staff reviewed the bids and recommends the award be referred to the Legal & Finance Committee. Johnson moved, seconded by Olson and carried to refer the bid award of the Dahl Fine Arts Center Expansion, Elevator Replacement Project No. IDP04-1367 to the August 11, 2004 Legal & Finance Committee meeting.

Items from the Mayor

Operations Management Engineer Johnson updated the Council on the 2012 projects in progress explaining the Roosevelt Park Pool complete, Public Safety Building under construction and the Dahl Fine Arts Center in design.

Alderman Partridge reported the 2012 Application form complete; offered his appreciation to Kay Rippentrop of the Mayor's Office for her assistance; and indicated September 15, 2004 was the deadline to submit the 2012 application, if interested in serving on the 2012 committees. He requested funds in the amount of \$7,000 from Council Contingency for a 2012 advertising campaign. Motion was made by Partridge, seconded by Kroeger to approve the expenditure of up to \$7,000 from Council Contingency for a 2012 advertising campaign. Substitute motion was made by Johnson, seconded by Waugh and carried to refer the funding request to the August 11, 2004 Legal and Finance Committee meeting.

Motion was made by French, seconded by Partridge and carried to approve the Water Task Force Appointments as follows Aldermen Jean French, Sam Kooiker, Bill Waugh, Ron Kroeger, and Malcom Chapman, Water Superintendent John Wagner, Parks and Recreation Director Jerry Cole, Chris Orr, Judge Jeff Davis, David Fisher and Julie Pearson.

Items from Council Members/Liaison Reports

Alderman French addressed the issue of a City Administrator position, commenting the City needs to be proactive and responsive to the needs of a growing community and its vision for the future. She asked that such a position be considered during the upcoming City budget discussions.

Motion was made by Kooiker, seconded by French and carried to request staff to install and activate a left-turn traffic signal arrow for north/south bound traffic on Haines Avenue at Lindbergh Street.

Public Hearings

The Mayor announced that the meeting was open for consideration of the assessment roll for (No. CC080204-03) Una Del Water Main Extension Project No. SSW00-943. Notice of hearing was mailed to the affected property owners on July 16, 2004 and published in the Rapid City Journal on July 26, 2004. The following Resolution was introduced, read and Johnson moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR
UNA DEL WATER MAIN EXTENSION
PROJECT NO. SSW00-943

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the water main extension project is the amount stated in the proposed assessment roll.
2. The assessment roll for Una Del Water Main Extension Project No. SSW00-943 is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in

accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in ten annual installment bearing interest at the rate not to exceed nine percent (9%).

Dated this 2nd day of August, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for the adoption of the foregoing resolution was seconded by Waugh. Debby Jensen, 719 44th Street representing Leuella Lee, 5550 Una Del Drive expressed concern over the assessment indicating there was a twenty-five percent increase from the estimate provided in 2001. Acting Public Works Director Vore explained the City participated in the project costs, paying twenty-five percent of the cost for the watermain. Motion was made by French to request staff to explore any program to defray assessment costs for property owners who are on a fixed income. Motion died for lack of a second. Upon a vote being taken thereon, the following voted AYE: Chapman, Murphy, Kroeger, Partridge, Olson, Johnson and Waugh; NO: Kooiker and French, whereupon said resolution was declared duly passed and adopted.

Alderman French solicited items and volunteer help for a Garage Sale fund raiser to be held August 21 at the West Middle School Community Center; and explained that proceeds would be given to Central High School teacher Doug Lefler, who was recently diagnosed with a rare form of cancer.

Alderman French offered an apology to City Attorney Green for comments previously made during a Council meeting; which was accepted by City Attorney Green.

Continued Items Consent Calendar – Items 4-29

The following items were removed from the Consent Calendar:

25. **No. 04SV037** - A request by Brent Pushing for a **Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway and the interior street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 4, Brentwood Subdivision, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Sunridge Road.

Johnson moved, seconded by Olson and carried to continue the following items as indicated.

Continue the following items until August 16, 2004:

4. **No. 04AN009** - A request by Dream Design International, Inc. for a **Petition for Annexation** on the W1/2 SE1/4 and SE1/4 SE1/4 and N1/2 NW1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located west of South Highway 16 and south of Sammis Trail.
96. The Mayor announced the meeting was open for hearing on No. 04RZ037, second reading of **Ordinance 4079**, a request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Low Density Residential District**

on a parcel of land located in the W1/2 SE1/4 and the SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located west of South Highway 16 and south of Sammis Trail. Notice of hearing was published in the Rapid City Journal on July 24, 2004, Ordinance 4079, having had the first reading on July 19, 2004, it was moved by seconded by that the title be read the second time. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Partridge, Olson, Kooiker, Johnson and Waugh; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 4079 the second time.

104. **No. 04VE010** - A request by Steven Thingelstad for Western Management Corporation for a **Vacation of Major Drainage Easement** on Lot 2 of Block 2 of Parkridge Village Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Park Drive.
5. **No. 04CA029** - A request by Dream Design International, Inc. for a **Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan** on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located west of South Highway 16 and south of Sammis Trail.
6. **No. 02PL116** - A request by Dream Design International, Inc. for a **Final Plat** on Lot 1, Block 1; Lots 1 thru 5, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; Lots 1 thru 4, Block 5; Lot 1, Block 6 and dedicated Street, Big Sky Business Park, located in the SW1/4 SW1/4 and the S1/2 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 SW1/4 NW1/4 including private drive, less Lot H2 and less right-of-way; the unplatted portion of the E1/2 SW1/4 NW1/4; and the unplatted portion of the S1/2 GL3; S1/2 GL4 less Lot 1 and less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and less right-of-way; all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Road.
7. **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.
8. **No. 03PL052** - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1-4, Block 1 and Outlot D; Lots 1-7, Block 2; Lots 1-3, Block 3, of Stoney Creek South Subdivision and Dedicated Bendt Drive and Major Drainage Easements located in the NW1/4 SW1/4 and the SW1/4 SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the S1/2 NW1/4 SW1/4 less Lots H1 and H2, Section 22, T1N, R7E; a portion of the unplatted balance of the N1/2 NW1/4 SW1/4 located south of Catron Boulevard, Section 22, T1N, R7E; a portion of the unplatted balance of the E1/2 SW1/4 less Stoney Creek Subdivision and less Lot H2, Section 22, T1N, R7E; and, a portion of the unplatted balance of the SW1/4 SW1/4 less Lot H1 and Lot P1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of Sheridan Lake Road and Catron Boulevard.
9. **No. 03PL063** - A request by Fisk Land Surveying and Consulting Engineers for Dakota Land Development for a **Final Plat** on Lots 1 thru 3, Vista Lake Subdivision #2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 and a portion Lot F-1 of the Fish Hatchery Subdivision, located in the NE1/4 SW1/4 and the N1/2 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Jackson Boulevard north of the Fish Hatchery.

10. **No. 03PL088** - A request by Dream Design International, Inc. for Sally Broucek for a **Final Plat** on Lots 1 thru 10 of Block 1 and Lots 1 thru 19 of Block 2 of Stoneridge Subdivision located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the W1/2 of the S1/2 of Government Lot 4 located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Parkview Drive.
11. **No. 03PL099** - A request by FMG, Inc. for Bill Freytag for a **Final Plat** on Lots 6 through 9 of Block 4 and Lot 21R of Block 1 and Lot 22R of Block 1, Tyler Knue Subdivision, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 21 and a portion of Lot 22 of Block 1 and a portion of Lot 22 of Block 1 and a portion of the unplatted balance of the NW1/4 NW1/4 all of Tyler Knue Subdivision and dedicated public right of way shown as Nicole Street, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Nicole Street.
12. **No. 04PL044** - A request by Sperlich Consulting Inc. for Walgar Development for a **Layout and Preliminary Plat** on Lot 2 of Block 1, Minnesota Park Subdivision, located in the SW1/4 of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Wisconsin Avenue and East Minnesota Street.
13. **No. 04PL060** - A request by Sperlich Consulting, Inc. for Jim Scull for a **Preliminary Plat** on Lots 1 thru 14 of Block 1, Lots 1 thru 6 of Block 2, and Lot 1 of Block 3, Kennsington Heights Subdivision, located in "Government" Lot 4, , Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot B of "Government" Lot 4 , Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of the future intersection to Elm Avenue and Field View Drive.
14. **No. 04PL068** - A request by Centerline Inc. for Magheramore, LLC for a **Preliminary Plat** on Lots 1 thru 9, Block 1, Darlington Estates, located in the Section 34, T1N, R8E, BHM, Pennington County, South Dakota, legally described as that portion of the NE1/4 lying west of railroad right-of-way; N1/2 NW1/4; SE1/4 NW1/4; NE1/4 SW1/4, Section 34, T1N, R8E, BHM, Pennington County, South Dakota; that portion of the NE1/4 NE1/4 lying east of Old Folsom Road, Section 33, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Lamb Road and Old Folsom Road.
15. **No. 04PL076** - A request by Dream Design International Inc. for a **Preliminary Plat** on Tract 1 and Outlot A, Eastridge Subdivision, dedicated Enchantment Road, and Enchanted Pine Drive located in the NW1/4, NE1/4 Section 24, the E1/2, NW1/4, Section 24, and the NE1/4, SE1/4, NW1/4, Section 24, T1N, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted balance in the NW1/4, NE1/4 Section 24, the E1/2, NW1/4, Section 24, and the NE1/4, SE1/4, NW1/4, Section 24, T1N, R7E, BHM, Pennington County, South Dakota, located south of Enchanted Pine Road and east of Enchantment Road.
16. **No. 04PL085** - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 3, Block 1, Collins Estates, located in the N1/2 N1/2 NE1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota, legally described as N1/2 N1/2 NE1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota, located along 237th Street.

17. **No. 04PL086** - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 8 and Lots 33 thru 38 of Block 1, Lots 27 thru 32 of Block 2 and Lots 1 thru 9 of Block 3, Rainbow Ridge Subdivision, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, legally described as SW1/4 NE1/4 and SE1/4 NE1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, located west of Chet Street.
18. **No. 04PL092** - A request by Richard O. Stahl for a **Preliminary Plat** on Lots 1-5 of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tracts J, K, L, M and N of Lot 6 of Block 19, Boulevard Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of West Street and South Street.
19. **No. 04PL093** - A request by Sperlich Consulting, Inc. for Robert Scull for a **Preliminary Plat** on Lot 1, Lot 2 and Drainage Lot, Block 1 and dedicated streets, Commerce Park Subdivision, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Rand Road and Commerce Road.
20. **No. 04PL094** - A request by Centerline, Inc. for 3 T's Land Development LLC for a **Preliminary Plat** on Lots 1A, 2A, 3A, 4A, 16 thru 30 and Drainage Lot, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located approximately .5 miles west of Alta Vista Drive and the extension of Middle Valley Drive.
21. **No. 04PL097** - A request by Dream Design International, Inc. for a **Layout Plat** on Hyland Park Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located west of South Highway 16 and south of Sammis Trail.
22. **No. 04SV031** - A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on property described as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; thence travel 1878.59 feet at a bearing S89°27'22"E to a point; thence travel 59.93 feet at a bearing N00°32'38"E to the Point of Beginning; travel 213.89 feet at a bearing N34°24'28"W to a point on a curve; thence travel 38.11 feet along a 210.00 foot radius Concave Northwesterly curve with a chord bearing N39°36'25"W to a point; thence travel 166.06 feet at a bearing N44°48'23"W to a point on a curve; thence travel 333.97 feet along a 190.00 foot radius Convex Northeasterly curve with a chord bearing N05°32'55"E to a point; thence travel 219.73 feet at a bearing N55°19'07"E to a point; thence travel 267.59 feet at a bearing S34°35'20"E to a point; thence travel 300.18 feet at a bearing S45°00'00"W to a point; thence travel 303.00 feet at a bearing S34°24'28"E to a point; thence travel 108.34 feet at a bearing of S45°10'38"W the Point of Beginning; said parcel contains approximately 3.23 acres more or less, located west of the western terminus of Fairmont Boulevard and north of Tower Road.
23. **No. 04SV032** - A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on property described by metes and bounds commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; thence travel 1819.43 feet at a bearing S89°27'22"E to a point to the Point of Beginning;

travel 164.96 feet at a bearing N45°10'32"E to a point; thence travel 301.36 feet at a bearing N45°24'39"E to a point; thence travel 210.28 feet at a bearing N54°45'23"E to a point; thence travel 48.86 feet at a bearing S15°57'26"W to a point; thence travel 406.85 feet at a bearing S00°46'13"W to a point; thence travel 484.47 feet at a bearing N89°27'22"W to the Point of Beginning; and, commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; thence travel 1819.43 feet at a bearing S89°27'22"E to a point to the Point of Beginning; travel 484.47 feet at a bearing S89°27'22"E to a point; thence travel 121.99 feet at a bearing S00°46'13"W to a point; thence travel 282.52 feet at a bearing S75°51'59"W to a point on a curve; thence travel 420.51 feet along a 437.22 foot radius Concave Southwesterly curve with a chord bearing S65°50'38"W to a point; thence travel 27.01 feet at a bearing N54°20'05"W to a point on a curve; thence travel 173.71 feet along a 100.00 foot radius Convex Northwesterly curve with a chord bearing N04°34'14"W to a point; thence travel 273.99 feet at a bearing N45°10'32"E to the Point of Beginning; said parcel contains approximately 5.60 acres more or less, located west of the western terminus of Fairmont Boulevard and north of Tower Road.

24. **No. 04SV035** - A request by Donald Potts for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement and additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 and Lot 2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4 less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 6105 Covenant Drive.
26. **No. 04SV038** - A request by Sperlich Consulting Inc. for Tom Gagliano for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 8A, 8B and 9B, Block 2, Skyline Pines Subdivision, located in the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 8 and 9, Block 2, Skyline Pines Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1501 Pevans Parkway and 3289 Sandstone Lane.
27. **No. 04SV042** - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit; to waive the requirement to dedicate additional right-of-way; and, to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located west of South Highway 16 and south of Sammis Trail.
28. **No. 04VR002** - A request by Alliance of Architects and Engineers for Rapid City Journal for a **Vacation of Right-of-Way** on Lots 1 thru 32, Block 79, Original Townsite of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 507 Main Street.

Continue the following items until September 7, 2004:

29. **No. 04FV012** - Fence Height Exception for petitioner Dennis Rogers to allow a seven foot six inch fence in a Low Density Residential District on Lot 13, Block 16, South Robbinsdale Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 801 East Indiana Street.

End of Continued Items Consent Calendar

Motion was made by French, seconded by Johnson to approve with stipulations **No. 04SV037**, a request by Brent Pushing for a **Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway and the interior street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 4, Brentwood Subdivision, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Sunridge Road. Brent Pushing, 4718 West Main addressed the Council requesting a variance to the paving requirements. He explained his intent to subdivide a forty acre parcel, off Nemo Road, into four ten-acre lots. He explained the paving requirement is costly and raises the cost of the property to an extent that it is out of the range of the majority of potential buyers. He indicated the Planning Commission denied his request and offered a compromise to subdivide the forty-acres into two twenty-acre lots for the purpose of gaining approval from the Council to waive the paving requirements. Growth Management Director Elkins reminded the Council that the recommendation is to continue because some of the stipulations of approval that were recommended have not been met. The petitioner is also required to sign a Waiver of Right to Protest any future assessed project. She explained the proposal of two twenty-acre lots requires a new application. Substitute motion was made by Partridge, seconded by Murphy and carried to continue to August 16, 2004 a request by Brent Pushing for a **Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway and the interior street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 4, Brentwood Subdivision, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Sunridge Road.

Alcoholic Beverage License Applications

This was the time set for hearing on the application of **Rapid City Fine Arts Council, Inc.**, for a Special Malt Beverage and Wine License, to be used on August 7 and 14, 2004 at Dahl Arts Center, 713 7th Street. Upon a motion made by Johnson, seconded by Waugh and carried, the Council approved the application.

Set for Hearing

Motion was made by Johnson seconded by Waugh and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearing to be held on Monday, August 16, 2004.

31. Taira Hoeye dba **St. Joe Pub**, 710 St. Joseph Street for an On-Off Sale Malt Beverage License Transfer
32. Steven C. Lester dba **Rushmore Plaza Holiday Inn**, 505 North Fifth Street for an On-Sale Liquor License Transfer
33. Wal-East Development, Inc. dba **Jackpot Casino**, 1415 North LaCrosse, Suite #3 for an Off-Sale Package Liquor License
34. **Rapid City Fine Arts Council, Inc.**, for a Special Malt Beverage and Wine License, to be used on August 29, September 17 and 24, 2004 at Dahl Arts Center, 713 7th Street

Consent Calendar Items – 35-84

The following items were removed from the Consent Calendar:

43. **No. PW072704-07** Authorize Mayor and Finance Officer to sign Amendment #2 to a Professional Service Agreement with CETEC Engineering to design West Chicago Street Reconstruction 44th to Wedgewood Drive for an amount not to exceed \$74,949.32
45. **No. PW072704-09** Authorize Mayor and Finance Officer to sign an Agreement between City of Rapid City and O'Brien Construction Inc to stall water lines that complete a low pressure loop that are not required for plat of the land located on Sheridan Lake Road. Reimbursement for an amount not to exceed \$10,612.72
49. **No. PW071304-09** Approve of the U.S. Highway 16 Corridor Study Final Report
53. **No. 04VE015** Approve with stipulations a Vacation of Utility and Drainage Easement for petitioner Ferber Engineering Company, Inc. for Cregut Inc. on Lot 1 of Lot C of Lot 1 of Rohrer Subdivision located in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7800 Alberta Drive; and prior to City Council approval, the land owner shall sign a maintenance agreement running with the property assuming all maintenance of the drainage improvement.
65. **No. LF072804-07** Approve the Standard Schedule of Disciplinary Offenses/Penalties for City of Rapid City Employees.
68. Authorize Mayor and Finance Officer to sign Revised Flexible Spending Account Agreement.
70. **No. LF072804-11** Approve Resolution Declaring Property Surplus.

Waugh moved, seconded by Olson and carried to approve the following items as they appear on the Consent Calendar.

Public Works Committee Consent Items

35. Request Public Works Department staff to write a letter to the Pennington County Housing Authority asking them to limit the amount of watering at their facility located at Black Fox Drive/Elk Street, in an effort to eliminate water runoff
36. Request City Attorney's Office staff to review and prepare an Ordinance relating to the Rapid City On-Site Waste Water System
37. Refer a project to increase the sewer and water mains in the Mallow Subdivision to the Capital Improvements Committee for review
38. Request City staff to compile information for the Master Plan for sewer and water main upgrades; costs involved to implement the plan; and present information to a future Public Works Committee meeting
39. **No. PW072704-02** Approve Change Order No. A3 for Roosevelt Park Site Improvements – Phase 2 Project No R01-144 to R.C.S. Construction, Inc. for an increase of \$828.00
40. **No. PW072704-03** Approve Change Order No. 1 and final for Park Drive Reconstruction Project No ST03-1030 to Heavy Constructors, Inc. for an increase of \$1,180.22
41. **No. PW072704-04** Approve Change Order No. 2 and final for Parkview Drive Extension Project No ST03-1006 to R.C.S. Construction, Inc. for a decrease of \$43,116.52
42. **No. PW072704-06** Authorize staff to advertise for bids for Lemmon Avenue Reconstruction, College to Monroe Project No ST04-1068 (CIP 350120)
44. **No. PW072704-08** Authorize Mayor and Finance Officer to sign a Letter Of Agreement with Dakota Minnesota Eastern Railroad for Milwaukee Street side walk project for an amount not to exceed \$1,200 16
46. **No. PW072704-10** Authorize Mayor and Finance Officer to sign an Agreement between City of Rapid City and O'Brien Construction Inc for water distribution to the surrounding area of plat of the land located on Sheridan Lake Road. Reimbursement for an amount not to exceed \$24,870.70

47. **No. PW072704-11** Authorize Mayor and Finance Officer to sign an Agreement between City of Rapid City and O'Brien Construction Inc for the Heidiway Lane Sanitary Sewer Extension to install sewer lines. Reimbursement for an amount not to exceed \$8,783.73
48. Acknowledge the report on Variance Pit Closure Project No. LF04-1368 changes
49. **No. PW071304-10** Approve of the 2005-2009 Rapid City Area Transportation Improvement Program
51. Authorize staff to advertise for bids for Signal Drive Project
52. **No. 04VE012** Deny a Vacation of Utility Easement for petitioner James Steele for Aurthur Barrett on Lot 4, Steele Subdivision, located in NW1/4 SE1/4 and NE1/4 SE1/4. Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as 2944 Evergreen Drive; and Authorize Mayor and Finance Officer to sign an Agreement between City of Rapid City and James Steele to allow the encroachment.

Legal & Finance Committee Consent Items

54. Approve the request to place tables and chairs in the right of way for the following businesses: Alex Johnson Hotel, Boticelli Restorante, Marsala's, St. Joe Pub, Wine Cellar Restaurant, LLC, Dakota Sunshine Espresso Bar/Merle Norman, Firehouse Brewing Co., The St. Joe Street Factory, Inc.
55. **No. LF072804-18** Authorize Mayor and Finance Officer to Sign Memorandum of Agreement between the City of Rapid City and The City of Presidents Foundation.
56. **No. LF072804-01** Approve Travel Request for Mayor Shaw and Council persons to attend National League of Cities – 2004 Congress of Cities, Indianapolis, IN, November 29 - December 4, 2004, in the approximate amount of \$3,482.
57. **No. LF072804-02** Approve appointment of Jim Schamber to Rapid City Mayor's Committee on Disability.
58. **No. LF072804-15** Approve Travel Request for Gary Becker and Rob Wilson to attend Basic Airport Safety & Operations Specialist School, Denver, CO, August 15-19 2004, in the approximate amount of \$2,316.
59. **No. LF072804-04** Approve Event Permit for Central States Fair to hold Parade, August 21, 2004.
60. **No. LF072804-14** Authorize Mayor and Finance Officer to sign Agreement for Paramedic Clinical Studies between Rapid City Fire Department and Mountain Plains Health Consortium.
61. **No. LF072804-17** Approve Travel Request for Daniel Ladenburger and Damon Hartmann to attend Investigation of Gas and Electric Appliance Fires Conference, Benton Harbor, MI, November 9-12, 2004, in the approximate amount of \$2,806.
62. **No. LF072804-05** Authorize Mayor and Finance Officer to sign Agreement for Independent Contractor Services with Hayman & Associates.
63. **No. LF072804-06** Authorize payment to Hayman & Associates in the sum of \$795 for three home inspections.
64. **No. 916** Approve a request by the City of Rapid City to consider the Dissolution of Tax Increment District #24 on Lot B of the SE1/4SE1/4 and adjacent public rights-of-way, all located in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1600 Mt. View Road.

A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT
NUMBER TWENTY FOUR

WHEREAS the City of Rapid City created Tax Increment District Number Twenty Four on January 18, 1993; and,

WHEREAS all expenditures have been made in accordance with the adopted project plan for Tax Increment District Number Twenty Four adopted on January 18, 1993; and,

WHEREAS the City Council of the City of Rapid City is authorized to dissolve this Tax Increment District pursuant to SDCL 11-9-46,

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that Tax Increment District Number Twenty Four be, and the same is hereby, dissolved.

BE IT FURTHER RESOLVED that any funds which have accrued to the Tax Increment District Number Twenty Four, pursuant to SDCL 11-9-31, be distributed as provided by SDCL 11-9-45.

Dated this 2nd day of August, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 66. **No. LF072804-08** Approve Resolution to Amend the City of Rapid City Travel Regulations.

RESOLUTION TO AMEND THE
CITY OF RAPID CITY TRAVEL REGULATIONS

WHEREAS, the City of Rapid City has regulations to reimburse for expenses incurred by City employees or individuals traveling at the request of the city, and

WHEREAS, the State of South Dakota, effective July 1, 2004, has increased the reimbursement rate for mileage and in-state hotel accommodations, and

WHEREAS, the City of Rapid City, effective August 1, 2004, shall recognize the changes made by the State of South Dakota by adopting the following reimbursement for the City employees:

In lieu of actual transportation expenses, an employee shall be paid 32 cents per mile for use of a privately owned motor vehicle on official business if no City of Rapid City motor vehicle is available. The mileage rate covers all expenses incidental to the operation of a motor vehicle, including gasoline, oil, tires, repairs, towing and insurance; and

If a City of Rapid City motor vehicle is available but the employee desires to drive a personal motor vehicle, the employee shall be paid at the rate of 20 cents per mile.

The in-state per diem rates for official in-state travel shall be as follows:
(Effective August 1, 2004) The actual cost of lodging up to a maximum of \$41 plus tax a day;
(Effective January 1, 2005) The actual costs of lodging up to a maximum of \$42 plus tax a day;
(Effective July 1, 2005) The actual costs of lodging up to a maximum of \$43 plus tax a day;
(Effective January 1, 2006) The actual costs of lodging up to a maximum of \$44 plus tax a day;
(Effective July 1, 2006) The actual costs of lodging up to a maximum of \$45 plus tax a day;

Dated this 2nd day of August, 2004.

ATTEST:

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

s/ James F. Preston
Finance Officer
(SEAL)

67. **No. LF072804-09** Approve Resolution to Amend the Non-Union Personnel Policy.

RESOLUTION TO AMEND THE NON-UNION PERSONNEL POLICY

WHEREAS, the Non-union Personnel Policy, Article 21 specifically details travel and moving expenses for Non-union personnel; and

WHEREAS, the City of Rapid City has established City-wide travel regulations to reimburse for expenses incurred by City employees or individuals traveling at the request of the City; and

WHEREAS, Article 21.01 shall be replaced with the following language:

21.01 All subsistence expenses for authorized travel outside of Rapid City shall be governed by City Travel Regulations.

and

WHEREAS, Article 21.02 through 21.05 shall be deleted.

Dated this 2nd day of August, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

69. **No. LF072804-10** Authorize Mayor and Finance Officer to sign Memorandum of Understanding with AFSCME Union to Amend the Contract Regarding Travel Expenses.
71. **No. LF072804-12** Authorize Mayor and Finance Officer to sign Agreement with South Dakota Department of Tourism and State Development for Artists in Schools & Communities Grant Award.
72. **No. LF072804-19** Approve the request from staff to begin the grant process for the Rushmore Little League Irrigation Project.
73. **No. LF072804-16** Approve Travel Request for Michael Booher to attend Advanced Employment Issues Symposium in Las Vegas, NV, November 10-12, 2004, in the approximate amount of \$2,070.
74. **No. LF072804-20** Approve the abatement for Peggy L. Beardsley, 2003, \$2,153.80.
75. Approve the following licenses: Electrical Apprentice: Roger Draine, James Gull, Cory Johnson, Steven E. Leeka, Richard Lukins, Clint Painter, Brian Steffen; Electrical Journeyman: Zachary Hatla; Electrical Contractor: Gilbert Allen Hatch, Hatch Electric; Housemoving Business: Joe Klein, Klein's Housemoving; Mechanical Installer: Lynn Amick, Paul Saenz; Mechanical Contractor: Troy Nayman, Johnson Controls; Plumber: Clint W. Chapel; Plumbing Contractor: Steve Prestjohn, Black Hawk Plumbing & Heating; Residential Contractor: Mark & Jodi Davis, Jerry & Laurene Amundsen, Mark of Excellence Construction LLC; Larry T. Long, Heartland Pella Co.; Kent Weber, Kent Weber Construction, Inc.

Planning Department Consent Items

76. **No. 04AN006** - A request by Sperlich Consulting Inc. for Dean and Kimberly Henderson for a **Petition for Annexation** on the N1/2 SW1/4 SW1/4 of Section 13, T2N, R7E, BHM,

Pennington County, South Dakota, located south of the intersection of Chalkstone Drive and Auburn Drive.

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 20 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

N1/2 SW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota

Dated this 2nd day of August, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 77. **No. 04AN007** - A request by FMG, Inc. for Leigh Tange and James Adams c/o Nemo Road Properties for a **Petition for Annexation** on the south 33 feet of the SW1/4 SE1/4 and the south 33 feet of the W1/2 SE1/4 SE1/4, Section 21, T2N, R8E, BHM, Pennington County, South Dakota, located north of I-90 and west of Elk Vale Road.

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 1.5 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

The south 33 feet of the SW1/4 SE1/4 and the south 33 feet of the W1/2 SE1/4 SE1/4, Section 21, T2N, R8E, BHM, Pennington County, South Dakota

Dated this 2nd day of August, 2004.

ATTEST:
s/ James F. Preston

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

Finance Officer
(SEAL)

- 78. **No. 04AN008** - A request by Dream Design International, Inc. for a **Petition for Annexation** on the W1/2 of NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota, located east of Red Rock Estates Subdivision and north of Sheridan Lake Road.

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 60 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

W1/2 of NW1/4 less the N1/2 NW1/4 NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota

Dated this 2nd day of August, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 79. **No. 04PL065** - A request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Preliminary Plat** on Lots 1 of South Gate Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 SW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of 5th Street along Sidewinder Boulevard. Approve with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, storm sewer capacity along the north lot line shall be verified. In addition, an overflow channel shall be provided if necessary; 2. Prior to Preliminary Plat approval by the City Council, the adjacent property owner shall sign the petition to vacate the section line highway located along the west lot line of the subject property. In addition, the entire section line highway shall be vacated or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way; 3. Upon submittal of the Final Plat, the plat document shall be revised to show a non-access easement along Sidewinder Boulevard as per the Street Design Criteria Manual. In addition, the plat document shall be revised to provide a shared approach in the southeast corner of the subject property as shown on the Layout Plat; 4. Upon submittal of the Final Plat, the plat document shall be revised to show the name of Sidewinder Boulevard as Stumer Road; 5. Prior to submittal of the Final Plat, the plat document shall be revised to show an alternate subdivision name as reviewed and approved by the Register of Deed's Office. In addition, the plat document shall be revised to show "located in" or "formerly" in the plat title; 6. Prior to submittal of a Final Plat, the plat document shall be revised to show title certificates for a Final Plat; 7. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review

and approval; and 8. Upon submittal of the Final Plat, surety for the design and construction of Sidewinder Boulevard for any required subdivision improvements that are not a part of the Fifth Street construction project shall be posted and the subdivision inspection fee shall be paid.

80. **No. 04PL071** - A request by Renner & Associates for Ray Palmer for a **Preliminary Plat** on Lot 7 of Block 1 and Tract A, Palmer Subdivision, located in the SE1/4 of the NW1/4, and NE1/4 of the SW1/4, Section 14, T2N, R6E, BHM, Pennington County, South Dakota, legally described as the SE1/4 of the NW1/4, a portion of the NE1/4 of the SW1/4 and a portion of Palmer Road in Section 14, located in the SE1/4 of the NW1/4, and NE1/4 of the SW1/4, Section 14, T2N, R6E, BHM, Pennington County, South Dakota, located along Palmer Road off of Nemo Road. Approve with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, additional topographical information for the entire property shall be submitted for review; 2. Prior to Preliminary Plat approval by the City Council, a drainage report and plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed; 3. Prior to Preliminary Plat approval by the City Council, the location and depth of wells and service lines, septic tanks and drainfields for each lot shall be submitted for review and approval to ensure separation from well locations as per South Dakota State Regulations. The location of the well heads on Lot 7 of Block 1, as shown on the Detailed Topographic Map Sheet 1, shall be verified. Utility easements shall be identified on the Final Plat; 4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to eliminate the vacation of the Palmer Road right-of-way as it abuts the subject property; 5. Prior to Preliminary Plat approval by the City Council, the road construction plans for Palmer Road shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 49 foot right-of-way and a 24 foot paved surface with curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained. In addition a revised paved design showing a 75 foot diameter cul-de-sac bulb at the end of the proposed Right of Way on Palmer Road shall be submitted for review and approval; 6. A Special Exception to allow an approximate 2,900 foot long cul-de-sac without any intermediate turnarounds in lieu of a maximum 1,200 foot long cul-de-sac with intermediate turnarounds every 600 feet is hereby granted; 7. Prior to Preliminary Plat approval by the City Council, a Cost Estimate for the subdivision improvements shall be submitted for review and approval; 8. Prior to submittal of the Final Plat, a note shall be placed on the plat document stating that "An alternate drainfield area shall be identified upon submittal of a building permit"; 9. Prior to submittal of the Final Plat, the plat document shall be revised to provide title certificates for a Final Plat. In particular, the certificate "Resolution by Governing Board" and the second "Highway/Street Authority" certificate shall be deleted; 10. Prior to submittal of the Final Plat, the plat document shall be revised to read "Utility and Minor Drainage Easements 8 foot on the interior sides of all lot lines"; 11. Prior to submittal of the Final Plat, the 40 foot wide access easement to Tract A shall be revised to identify a 49 foot wide access and utility easement. In particular, the access easement shall be constructed with a paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations; 12. Prior to submittal of the Final Plat, the plat document shall be revised showing Lot 7 lot acreage to be a minimum 10 acre parcel as required for this zoning district or a variance from the Pennington County Zoning Board of Adjustment shall be obtained or the property shall be rezoned to a zoning district that allows a minimum 6 acre lot; 13. Prior to submittal of the Final Plat, surety for any subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
81. **No. 04PL072** - A request by Donald Potts for a **Layout Plat** on Lot 1 and Lot 2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4 less Lot H1, Section 22, T1N, R7E, BHM,

Rapid City, Pennington County, South Dakota, located at 6105 Covenant Drive. Approve with the following stipulations: 1. Upon submittal of a Preliminary Plat, a topographical drawing showing any proposed grading, and an erosion and sediment control plan for all improved areas shall be submitted for review and approval; 2. Upon submittal of a Preliminary Plat, drainage calculations consistent with the Arrowhead Drainage Basin Plan shall be submitted for review and approval; 3. 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. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval; 4. Upon submittal of a Preliminary Plat, the location and depth of wells and service lines, septic tanks and drainfields for each lot shall be submitted for review and approval; 5. 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. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed; 6. Upon submittal of a Preliminary Plat, an access easement shall be provided to the subject properties and road construction plans for the continuation of Covenant Drive shall be submitted for review and approval. In particular, the extension of Covenant Drive shall be constructed with a minimum 49 foot wide right-of-way and a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained. The proposed cul-de-sac turnaround bulb shall be located in a minimum 96 foot wide diameter right-of-way with a minimum 76 foot wide diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 7. Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; 8. Upon submittal of a Preliminary Plat, a Master Plan for the future subdivision of the undeveloped lot, proposed Lot 2 shall be submitted for review and approval; 9. Prior to issuance of a Building Permit, supplemental tap fees shall be paid; 10. Prior to Preliminary Plat approval by the City Council, the section line highway shall be constructed to City Street Design Standards or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner shall sign the petition to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way; 11. Prior to Preliminary Plat approval by the City Council, road construction plans for Catron Boulevard shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the road construction plans shall show Catron Boulevard constructed with a curb, gutter, sidewalks, street light conduit and sewer; 12. Upon submittal of a Preliminary Plat, all Uniform Fire Codes shall be continually met; 13. Upon submittal of a Final Plat application, a reserve area shall be shown or a note shall be placed on the plat indicating that at the time a Building Permit is applied for, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided; 14. Upon submittal of a Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 15. Upon submittal of a Final Plat, the property shall be rezoned to allow the minimum lot size requested or a zoning variance shall be obtained.

82. **No. 04PL082** - A request by Centerline, Inc. for Horizon Properties, Inc. for a **Preliminary Plat** on Lot 1 of Horizon Subdivision located in NE1/4 NW1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of Outlot B less Lots A, B & C of Merchen's First Addition located in NE1/4 NW1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 701 East St. Patrick Street. Approve with the following stipulations: 1.

Prior to Preliminary Plat approval by the City Council, construction plans providing a sewer main along the west 200 feet of East St. Patrick Street as it abuts the subject property shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a drainage easement along the south lot line to accommodate the Meade Hawthorne drainage channel; 3. Prior to submittal of a Final Plat application, the plat document shall be revised to provide a non-access easement along East St. Patrick Street as per the Street Design Criteria Manual; and, 4. Prior to submittal of a Final Plat application, the plat title shall be revised to include "of Tracts 1" after Lot a, B and C.

83. **No. 04PL091** - A request by Daniel P. Wegner for a **Layout Plat** on Lots 4A and 4B of Tract 2 Revised, Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 4 of Tract 2 Revised, Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, located at 2680 Cavern Road. Deny without prejudice to allow the applicant time to rezone the property through Pennington County.

Raffles

84. **No. CC080204-02** Acknowledge Behavior Management Systems, Inc. raffle during 7th Annual Festival of Trees, November 19 & 20, 2004, Rushmore Plaza Civic Center, value under \$15,000

END OF CONSENT CALENDAR

No. PW072704-07 Motion was made by Johnson, seconded by Waugh to Authorize Mayor and Finance Officer to sign Amendment #2 to a Professional Service Agreement with CETEC Engineering to design West Chicago Street Reconstruction 44th to Wedgewood Drive for an amount not to exceed \$74,949.32. Alderman Kooiker voiced his concern over the cost of the amendment and questioned the cost of the project. Acting Public Works Director Vore explained the project design was ninety-five percent complete and the amendment addresses the design revisions to improve traffic safety by incorporating the property acquisition and realigning of West Chicago. Substitute motion was made by Kooiker, seconded by French and carried to continue this item to the end of the agenda to permit staff an opportunity to research project costs.

No. PW072704-09 Motion was made by French, seconded by Johnson and carried to Authorize Mayor and Finance Officer to sign an Agreement between City of Rapid City and O'Brien Construction Inc to stall water lines that complete a low pressure loop that are not required for plat of the land located on Sheridan Lake Road. Reimbursement for an amount not to exceed \$10,612.72.

No. PW071304-09 Motion was made by Partridge, seconded by Waugh to Approve the U.S. Highway 16 Corridor Study Final Report. Don Shultz addressed the Council indicating he and his business partner own property west of Hwy 16 along Catron Blvd. He explained the frontage road along Hwy 16 is addressed in this report and recommends this frontage road be eliminated. He stated the elimination of the frontage road impacted his property, eliminating access to his property. Growth Management Director Elkins explained the corridor study looks to the future needs for traffic along Hwy 16; and indicated there is no immediate design of the road. Substitute motion was made Johnson, seconded by Waugh and carried to continue this item to the August 16, 2004 Council meeting; and requested staff to make a presentation on the corridor study.

No. 04VE015 Motion was made by Waugh, seconded by Olson and carried to continue a request for a Vacation of Utility and Drainage Easement for petitioner Ferber Engineering Company, Inc. for Cregut Inc. on Lot 1 of Lot C of Lot 1 of Rohrer Subdivision located in the

SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7800 Alberta Drive to the August 16, 2004 Council meeting.

No. LF072804-07 Motion was made by Kroeger, seconded by Waugh to Approve the Standard Schedule of Disciplinary Offenses/Penalties for City of Rapid City Employees. Finance Officer Preston summarized the changes indicating definitions were added for clarification. He pointed out there was concern from an Alderman over Work Rule No. 11 relating to garnishments. He explained that garnishments are made over a sixty day time period, costs the City approximately Forty-five Dollars to process one garnishment. The City is unable to collect fees for processing garnishments; and there are some exposures to the City, if the garnishments are not processed. He explained the City has been enforcing Work Rule No. 11 for the past three years. Staff recommendation is to approve the changes as outlined. Alderman Kooiker offered a friendly amendment to remove “/or” from Item 8 of the Schedule. Motion maker accepted the amendment. Kooiker spoke in opposition to Work Rule No. 11. Alderman Partridge called the question. Hearing no objection, a vote was taken on the motion as amended. Motion carried with Kooiker voting NO.

Kooiker asked to go on record as objecting to the question and not the motion to approve. Motion was made by Johnson, seconded by Murphy and carried to reconsider Item No. 65. Ritchie Nordstrom, AFSCME Chief Stewart was recognized and indicated he favored discussion of Work Rule No. 11 before the Committee. Motion was made by Kooiker, seconded by Johnson to Approve the Standard Schedule of Disciplinary Offenses/Penalties for City of Rapid City Employees, refer Work Rule No. 11 to the committee, and unions be notified of the discussion. Substitute motion was made by Partridge, seconded by Murphy and carried to approve the Standard Schedule of Disciplinary Offenses/Penalties for City of Rapid City Employees. Motion was made by Kooiker, seconded by Johnson and carried to refer Work Rule No. 11 to the August 11, 2004 Legal and Finance Committee meeting and notify the unions of the discussion.

Motion was made by Johnson, seconded by Olson and carried to Authorize Mayor and Finance Officer to sign Revised Flexible Spending Account Agreement.

No. LF072804-11 Motion was made by Kroeger, seconded by Olson and carried to Approve Resolution Declaring Property Surplus.

RESOLUTION DECLARING PROPERTY SURPLUS

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

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

Rapid Transit System

1996 Ford Econoline Bus #101
1996 Ford Econoline Bus #102

VIN #IFDJE30FXTHA52264
VIN #IFDJE30FOTHA59398

Inv #1605
Inv #1606

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

Dated this 2nd day of August, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

Planning Department Items

The Mayor present No. 04CA028, a request by Dream Design International, Inc. for a **Amendment to the Comprehensive Plan to relocate a Collector Street on the Major Street Plan** on the W1/2 of NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota, located east of Red Rock Estates Subdivision and north of Sheridan Lake Road. The following Resolution was introduced, read and Olson 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 2nd day of August, 2004 to consider an amendment to the Comprehensive Plan Amendment to the Comprehensive Plan to change the future land use designation to relocate a Collector Street on the Major Street Plan on the W1/2 of NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota; and good cause appearing therefor

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

Dated this 2nd day of Augst, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

Motion was made by Olson, seconded by Waugh and carried to Authorize the Mayor and Finance Officer to sign a waiver of right to protest a future assessment for the installation of the west 200 feet of East St. Patrick Street as it abuts the following legally described property: Tract 1 of Outlot B less Lots A-C of Merchen's First Addition Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 701 East St. Patrick Street. (04SV026)

The Mayor presented No. 04SV026, a request by Centerline, Inc. for Horizon Properties, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Tract 1 of Outlot B less Lots A-C of Merchen's First Addition Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 701 East St. Patrick Street. Motion was made by Olson, seconded by Waugh and carried to approve the requested Variance with the following stipulations: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

The Mayor presented No. 04SV034, a request by Renner & Associates for Ray Palmer for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer, pavement and water as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 7 of Block 1 and Tract A, Palmer Subdivision, located in the SE1/4 of the NW1/4, and NE1/4 of the SW1/4, Section 14, T2N, R6E, BHM, Pennington County, South Dakota, legally described as the SE1/4 of the NW1/4, a portion of the NE1/4 of the SW1/4 and a portion of Palmer Road in Section 14, located in the SE1/4 of the NW1/4, and NE1/4 of the SW1/4, Section 14, T2N, R6E, BHM, Pennington County, South Dakota, located along Palmer Road off of Nemo Road. Motion was made by Olson, seconded by Waugh and carried to approve the requested Variance with the following stipulations 1. Upon submittal of a Preliminary Plat, revised road construction plans for Palmer Road shall be submitted for review and approval. The extension of Palmer Road shall be constructed to a minimum standard of the Pennington County Minor Local Road design. In particular, a 20 foot width road with 4 inches of gravel surfacing, 3:1 inslopes and backslopes shall be provided; 2. Upon submittal of a Preliminary Plat, a revised drawing showing the 75 foot diameter cul-de-sac turnaround bulb at the end of the proposed right-of-way shall be provided.

The Mayor presented No. 04SV040, a request by Daniel P. Wegner for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 4A and 4B of Tract 2 Revised, Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 4 of Tract 2 Revised, Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, located at 2680 Cavern Road. Motion was made by Olson, seconded by Waugh to Deny without prejudice the requested Variance.

The Mayor presented No. 04SV041, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way; to allow lots twice as long as wide; and, to allow platting half a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on the W1/2 of NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota, located east of Red Rock Estates Subdivision and north of Sheridan Lake Road. Motion was made by Olson, seconded by Johnson and carried to approve the requested Variance with the following stipulations: Special Exception to allow 210 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual be denied and that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way; to allow lots twice as long as wide; and, to allow platting half a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code be approved.

The Mayor presented No. 04VR003, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Vacation of Section Line Highway** on property described by metes and bounds commencing from the northwest corner of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence S0°07'54.5"W a distance of 1141.567 feet along the section line to a point at which the section line intersects the eastern right of way of proposed Parkview Drive alignment, thence northeasterly along a chord with a bearing of N12°22'24"E a distance of 155.636 feet to the true point of beginning at the intersection of the eastern section line right of way with the proposed Parkview Drive right of way. Thence S0°07'54.5"W, 957.876 feet to the intersection of the east section line right of way and Sidewinder Blvd right of way, thence S78°54'16"W, 4.39 feet, to the southwest corner of Lot 1 of South Gate Subdivision, thence northwesterly along a curve with a delta of 10°26'33.5", a radius of 1021.00 feet, and a length of 186.085 feet with a chord bearing of N19°15'29.3"W and a chord distance of 185.828 feet to the intersection of the western section line right of way and eastern Fifth Street right of way, thence N0°07'54.5"E, 553.742 feet to the intersection of the western section line right of way and proposed eastern Parkview Drive right of way, thence northeasterly along a curve with a delta of 7°34'43.2", a radius of 638.00 feet, and a length of 84.39 feet with a chord bearing of N23°10'06.9"E and a chord length of 84.328 feet to the point of beginning, located east of 5th

Street along Sidewinder Boulevard. The following Resolution was introduced, read and Olson moved its adoption:

RESOLUTION OF VACATION OF
SECTION LINE HIGHWAY

WHEREAS it appears that the section line highway on property described by metes and bounds as commencing from the northwest corner of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence S0°07'54.5"W a distance of 1141.567 feet along the section line to a point at which the section line intersects the eastern right of way of proposed Parkview Drive alignment, thence northeasterly along a chord with a bearing of N12°22'24"E a distance of 155.636 feet to the true point of beginning at the intersection of the eastern section line right of way with the proposed Parkview Drive right of way. Thence S0°07'54.5"W, 957.876 feet to the intersection of the east section line right of way and Sidewinder Blvd right of way, thence S78°54'16"W, 4.39 feet, to the southwest corner of Lot 1 of South Gate Subdivision, thence northwesterly along a curve with a delta of 10°26'33.5", a radius of 1021.00 feet, and a length of 186.085 feet with a chord bearing of N19°15'29.3"W and a chord distance of 185.828 feet to the intersection of the western section line right of way and eastern Fifth Street right of way, thence N0°07'54.5"E, 553.742 feet to the intersection of the western section line right of way and proposed eastern Parkview Drive right of way, thence northeasterly along a curve with a delta of 7°34'43.2", a radius of 638.00 feet, and a length of 84.39 feet with a chord bearing of N23°10'06.9"E and a chord length of 84.328 feet to the point of beginning, more generally described as being located east of 5th Street along Sidewinder Boulevard; is not needed for public purposes; and

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

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

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

Dated this 2nd day of Augst, 2004.

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 Johnson. The following voted AYE: Chapman, Murphy, French, Kroeger, Partridge, Olson, Kooiker, Johnson, and Waugh; NO: None, whereupon said Resolution was declared duly passed and adopted

Ordinances & Resolutions

The Mayor announced the meeting was open for hearing on No. 04RZ034, second reading of **Ordinance 4076**, a request by Sperlich Consulting Inc. for Dean and Kimberly Henderson to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on the N1/2 SW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota, located south of the intersection of Chalkstone Drive and Auburn Drive. Notice of hearing was published in the Rapid City Journal on July 24, 2004, Ordinance 4076, having had the first reading on July 19, 2004, it was moved by Olson, seconded by Waugh that the title be

read the second time. The following voted AYE: Chapman, Murphy, French, Kroeger, Partridge, Olson, Kooiker, Johnson and Waugh; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 4076 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ035, second reading of **Ordinance 4077**, a request by Joe Muth for Doeck LLC to consider an application for a **Rezoning from Low Density Residential District to Low Density Residential II District** on Lot 41 of Block 2 and Lot 1 of Block 3, Auburn Hills Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Coal Bank Drive at Auburn Drive. Notice of hearing was published in the Rapid City Journal on July 24, 2004, Ordinance 4077, having had the first reading on July 19, 2004, it was moved by Johnson, seconded by Waugh that the title be read the second time. The following voted AYE: Chapman, Murphy, French, Kroeger, Partridge, Olson, Kooiker, Johnson and Waugh; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 4077 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ036, second reading of **Ordinance 4078**, a request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the W1/2 of the NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota, located east of Red Rock Estates Subdivision and north of Sheridan Lake Road. Notice of hearing was published in the Rapid City Journal on July 24, 2004, Ordinance 4078, having had the first reading on July 19, 2004, it was moved by Johnson, seconded by Waugh that the title be read the second time. The following voted AYE: Chapman, Murphy, French, Kroeger, Partridge, Olson, Kooiker, Johnson and Waugh; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 4078 the second time.

Ordinance 4074 (No. LF063004-06) Amending Sign Code Allowing Variance for Relocation of Existing Signs Due to Public Improvement Projects, having had the first reading on July 19, 2004, it was moved by Johnson, seconded by Waugh to continue second reading to the August 16, 2004 Council meeting. Motion carried.

Ordinance 4075 (No. LF071404-12) Amending Chapters 10.40 and 10.44 of the Rapid City Municipal Code Relating to Parking, having had the first reading on July 19, 2004, it was moved by Johnson and seconded by Olson that the title be read the second time. The following voted AYE: Chapman, Murphy, French, Kroeger, Partridge, Olson, Kooiker, Johnson and Waugh; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 4075 the second time.

Ordinance 4080 (No. 04RZ038) a request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society for a **Rezoning from General Agriculture District to Medium Density Residential District** on a parcel of land located in the West One-Half (W 1/2) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter (NE 1/4 SW 1/4) and Southeast One Quarter of the Northwest One Quarter (SE 1/4 NW 1/4) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portion of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said

Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence; curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of North 86 degrees 32 minutes 17 seconds West and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 89 degrees 59 minutes 18 seconds East (more or less) a

distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of North 70 degrees 11 minutes 15 seconds West and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less, located at 5440 Plains Vista Court. Upon motion made by Johnson, seconded by Waugh and carried, Ordinance 4080 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 held on Monday, August 16, 2004 at 7:00 P.M.

Legal & Finance Committee Items

No. LF072804-13 Johnson moved, seconded by Murphy to Deny an Event Permit for Botticelli Ristorante to block off four to five parking spaces in front of the business from 11:00 a.m. until 10:00 p.m. from August 8-14, 2004, to allow for motorcycle parking.

Aldermen Olson, Chapman and French supported the request; and French suggested designating a larger area for parking motorcycles during the Rally. Alderman Johnson suggested the Police Department would have difficulty enforcing spot parking. Upon a roll call vote, the following voted AYE: Murphy and Johnson; NO: Chapman, French, Kroeger, Partridge, Olson, Kooiker and Waugh. Motion failed 7 to 2.

Motion was made by Waugh, seconded by Kooiker to Approve an Event Permit for Botticelli Ristorante to block off four to five parking spaces in front of the business from 11:00 a.m. until 10:00 p.m. from August 8-14, 2004, to allow for motorcycle parking. Substitute motion was made by Johnson, seconded by Murphy to designate the south-side of the 500 block of Main Street for motor cycle parking only. Alderman Partridge spoke in opposition to the designation of the entire block because of the impact to other businesses. Second substitute motion was made by Partridge, seconded by Kroeger to Approve an Event Permit for Botticelli Ristorante to block off four parking spaces, east of the alley, August 8-14, 2004, to allow all-day motorcycle parking. Motion carried with Johnson and Murphy voting NO.

Motion was made Partridge to Request the Police Department staff to investigate two to three options for consideration on motorcycle parking designations for the annual motorcycle rally. Motion died for lack of a second. Motion was made by Waugh, seconded by Partridge and carried to refer to the August 11, 2004 Legal and Finance Committee, discussion of a task force to work with the Police Department staff and downtown businesses to develop a 2005 plan for the Rally to have designated motorcycle parking.

Motion was made by Johnson, seconded by Waugh and carried to Approve the Pennington County Fairgrounds being designated as a duly authorized shooting gallery, to request a copy of the resolution passed by the County, and to designate the City of Rapid City as an additional insured on any insurance policies the county has for activities that occur at the fairgrounds as a result of this designation.

Motion was made by Waugh, seconded by Kroeger and carried to continue Consideration in modifying the requirements for platting property in an area east of Elk Vale, Doyle Estes to the August 16, 2004 Council meeting.

Public Works Committee Items

Options to access to Plum Creek/Elks Country Estates were distributed. Kooiker voiced his disappointment about the South Dakota Department of Transportation agreeing to provide emergency access from the development to the Southeast Connector, only if the permanent access has not been constructed through the development when the SE Connector construction is completed. He pointed the SE Connection completion date is approximately a year away. The access would be for emergency purposes only, and would be a gravel, gated access. He suggested Option 2 – Designate the areas as a Special Study Area and allow no additional platting until completion of a plan for the development of the internal road system is completed. He asked that a letter be addressed to the SDDOT from the Mayor and Council reiterating the request for emergency access. Motion was made by Kooiker, seconded by French to approve Option 2 and sending a letter to the SDDOT from the Mayor and Council reiterating the request for emergency access as soon as possible. Alderman Kroeger expressed concern over allowing no additional platting during the study. He pointed out there was another emergency access from the development, and explained that Mr. Zandstra had built a road three years earlier, but it is gated. City Attorney Green indicated Option 2 is a statement by the Council that plats will not be approved until improvements are constructed; it only slows the platting process. Upon a vote being taken, motion carried with Kroeger and Murphy voting NO.

No. PW072704-07 Motion was made Johnson, seconded Olson to Authorize Mayor and Finance Officer to sign Amendment #2 to a Professional Service Agreement with CETEC Engineering to design West Chicago Street Reconstruction 44th to Wedgewood Drive for an amount not to exceed \$74,949.32. Acting Public Works Director Vore reported the West Chicago Street Reconstruction project was estimated at \$1,209,350. Upon a vote being taken on the motion, motion carried.

Police Department Items

Motion was made by Johnson, seconded by Olson and carried to authorize the Police Department to apply for a COPS More Technology Grant in the amount of \$427,210.15.

City Attorney's Items

Motion was made by French, seconded by Murphy and carried to go into executive session to discuss pending litigation and personnel matters. The Council came out of executive session and no action was taken.

Approval of Bills

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

Payroll Paid Ending 07-31-04, Paid 07-30-04	980,264.83
Payroll Paid Ending 07-24-04, Paid 07-30-04	712,369.07
Payroll Paid Ending 07-24-04, Paid 07-30-04	1,604.80
Pioneer Bank, Taxes Paid 07-30-04	242,953.30
Pioneer Bank, Taxes Paid 07-30-04	173,905.52
Pioneer Bank, Taxes Paid 07-30-04	121.62
First Administrators, claims paid 07-20-04	35,395.13

First Administrators, claims paid 07-28-04	61,244.75
Wells Fargo Corporate Card, credit card charges	493.61
Pennington County Auditor, PSB construction/parking	100,196.97
Computer Bill List	<u>1,605,868.44</u>
Total	\$3,914,418.04

Payroll Paid Ending 07-24-04, Paid 07-30-04	2,776.80
Pioneer Bank, Taxes paid 07-30-04	212.42
City of Rapid City, postage	1.04
Conoco Phillips, gasoline	138.88
Holiday Inn Express, lodging	279.80
Marlin Leasing, copier lease	7.06
SD School of Mines, telephone	54.40
Western Mailers, postage adjustment	<u>11.70</u>
Total	\$3,917,900.14

As there was no further business to come before the Council at this time, the meeting adjourned at 10:15 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)