

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
January 19, 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, January 19, 2004 at 7:00 P.M.

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

Staff members present included Asst. Finance Officer Coleen Schmidt, Growth Management Director Marcia Elkins, City Attorney Jason Green, Police Chief Craig Tieszen, Fire Chief Gary Shepherd, Engineering Division Manager Dan Coon and Administrative Assistant Jeri Lynn.

Approval of Minutes

Motion was made by Kooiker and seconded by Murphy to amend the minutes of October 20, 2003 to indicate that Butler Machinery purchased the replacements parts for the Auger repair from Westech and Butler will do the labor on this project; amend the minutes of December 15, 2003 to include the following dialogue:

Kooiker: Thank you Mayor. I was wondering, that piece of Ward 4 that was put into Ward 5 a couple years ago, I understand that, is there, that's a separate precinct now, right, that little square?

Preston: If I could Mayor. This is all 5-5. Essentially, the county auditor felt the best place to divide that was along this ridge line here, so this is a separate precinct right in here. Its all included here if you can see that color.

Kooiker: Would it be possible to put that area that was part of North Rapid, part of Ward 4, would it be possible to put that square to the right of that divider, put that back into 4-1 or 4-2? Because they vote at Bethel Assembly, right, so it wouldn't make...they were voting way out at Canyon Lake and now they are voting at Bethel Assembly so it wouldn't make a difference, we could theoretically put them back into ward 4.

Preston: If we put them back in ward 4 then we would need to go through the exercise again of trying to get all these wards to within a plus or minus 5% or equal 20% of the total city population at that time. That's what that would require us to do. Which we may be able to do this, but that would probably require some shifting. Because as you put this in 4, we would have to move some more folks up to 5 and it would require some shifting around.

Kooiker: So we're not in the plus or minus five right now if we moved that small square back into Ward 4?

Preston: That would put us out of the plus or minus 5%.

and **approve the minutes** of December 15, 2003, December 29, 2003; January 5, 2004, January 12, 2004 and January 14, 2004. Hanks noted that the dialogue relative to voting districts won't make sense without the maps that were being displayed at the time of the discussion. Rodriguez concurred and stated that including this dialogue is a waste of time

and money. Kooiker stated that the only thing that really needs to be added is that statement that the County Auditor felt the best place to divide was along the ridgeline so that is a separate precinct. Kooiker stated there has been a lot of discussion recently about the re-districting and he felt this would help the public understand the issue. Roll call vote was taken: AYE: Hanks, French, Kooiker, Murphy, Hadley, Kroeger, Kriebel and Partridge; NO: Rodriguez and Waugh. Motion carried, 8-2.

Adoption of the Agenda

The following changes were made to the agenda:

- ◆ Add No. 95A – Regarding the Public Safety Building Project (Tieszen)
- ◆ Move the Citizen of the Month and Veteran of the Month presentations to before the General Public Comment
- ◆ Add No. 102 – Public Hearing relative to allocation of \$185,000 from the CIP Contingency Fund for the Waterloo Street & Utility Reconstruction Project
- ◆ Move No. 15 to after Item No. 97
- ◆ Add an Executive Session for pending litigation (City Attorney)
- ◆ Add under Council Items a discussion about an obscenity clause (French)
- ◆ Add an item under Council Items regarding an e-mail the Council received (Kriebel)
- ◆ Move No. 99 until after the public hearing for the Waterloo Street project
- ◆ Add Stoney Creek Booster Station under Council Items (Kooiker)

Motion was made by Hanks, seconded by French and carried to adopt the agenda, as modified.

Citizen of the Month

Mayor Shaw presented the Citizen of the Month Award to Brian Brewer and commended him for outstanding volunteer service to the community.

Veteran of the Month

Mayor Shaw presented the Veteran of the Month Award to Bill Johnson and commended him for outstanding service to the country.

General Public Comment

Lila Doud, representing **Mothers Against Drunk Driving**, thanked the City Council and those who contributed funding for a billboard permit to promote safe driving practices. George Faraby stated that this billboard is for public safety purposes and he feels it should be treated the same as other signs put up by the city for public safety. Kooiker asked if it is possible, within the sign ordinance to create a class of billboard for public safety announcements. City Attorney Jason Green stated that it is his opinion that creating a separate class based on the content of speech would be contrary to the first amendment. It doesn't matter what type of organization it is; what matters is that the content of the sign would be regulated by the government. French stated that she feels MADD provides a valuable service to the community, similar to the WAVI program. She feels the costs of this billboard should be funded by the city on a continual basis. Motion was made by French to take \$75 from the Council's contingency fund for 2004 and put this item in the budget for 2005. Motion died for lack of a second. It was noted that the costs have been paid for FY2004. Kooiker encouraged the MADD organization to apply for the City's subsidy funds for FY2005. Motion was made by Kooiker and seconded by French to take this item to the Subsidy Committee for discussion relative to inclusion in the 2005 subsidy line. Hanks explained that the Subsidy Committee has a set of guidelines they follow relative to applications that are submitted for review. MADD can apply for these funds, but to actually make a motion to take it to that committee is

not proper. Hanks added that as good as the MADD organization is, there are a lot of organizations that provide similar services to the community. The city should not pick and choose; we need to either support them all, or stand back and not spend tax dollars on them. Mayor Shaw ruled that the motion on the floor is to encourage MADD to apply for City subsidy funding for 2005. Upon vote being taken, the motion carried unanimously.

Barbara Hansen explained that she is attempting to develop a **Sister City Relationship** between Rapid City and Darhan, Mongolia. The goal of this endeavor is to create a partnership and exchange program through culture, education, technology and business. She submitted a map of Mongolia and the community of Darhan. Hanks suggested that this organization also approach the Subsidy Committee for funding.

Erwin Reimann, President of the Western Research Alliance, updated the Council on the activities of the **Economic Development Office** and their affiliated organizations (the Partnership, Rapid Fund, the Foundation and the Western Research Alliance). The Western Research Alliance was established as a forum for individuals and organizations who are interested in the promotion of research, development, entrepreneurship and commercialization of new research and technology. This is a way to provide good jobs for the future of the community. The Alliance has conducted ten workshops, so far, that have focused on topics such as electronics, biotechnology, medical research, materials science and many others. One example is the networking the Alliance has done with Oakridge, to discuss the things that are happening at Oakridge and the impact this has had on a large area in the southeast part of the country. The representatives from Oakridge emphasized the importance of the Homestake project and provided the Alliance with insight on the kinds of things this would mean for the Black Hills area, the region, and the entire State of South Dakota. Reimann also listed several other projects the Alliance has accomplished for the Black Hills area.

Bid Openings

The following companies submitted bids for No. CC011904-01 – One New Current Model Year **Landfill Trash Compactor** which were opened on January 8, 2004: 1) Sheehan Mack Sales; and 2) Butler Machinery. Staff has reviewed the bids and recommends award to Sheehan Mack Sales. Motion was made by Hanks, seconded by Rodriguez and carried to award the bid for One New current Model Year Landfill Trash Compactor to Sheehan Mack Sales, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$350,565. Schmidt noted that the City would not be accepting the additional power train warranted.

Items from the Mayor

Shaw reported that the **re-organization** of second floor at City Hall has begun. The community is poised to experience substantial growth over the next few years which would result in Rapid City moving to the next level. The re-organization is intended to help the city meet that significant economic development activity in a positive, pro-active and solution-oriented manner. The goal of the re-organization is to improve the way we do business so that customers of the city always experience courtesy and responsiveness when dealing with the city. Shaw stated that staff will work to ensure public safety and welfare, while at the same time apply the rules, policies and regulations in a common sense fashion.

Shaw also thanked the members of Faith Temple Church for allowing him to participate in their Martin Luther King Day celebration.

Items from Council Members/Liaison Reports

Alderman French explained that recently the Council requested that the City Attorney review the language in the AOB Ordinance. Green reported that the AOB Ordinance was approved by the City Council and then referred to a vote as a result of petitions that were submitted. As a result, the Council is able to change the ordinance as it deems appropriate. Motion was made by French, seconded by Partridge and carried to authorize staff to review the obscenity ordinance and come back with recommendations on changes they deem necessary to dovetail better with the City's AOB ordinance.

Alderman Kriebel explained that recently an e-mail was received by the City Council from the President and Chief CEO Thomas Malone of Allco who was upset with the City Attorney about comments attributed to him in a newspaper in New Jersey. Since the e-mail received media coverage in Rapid City, Kriebel felt it was important to publicly support the City Attorney's comments on the Lease/Leaseback issue. Kriebel stated that he felt the City Attorney represented the community well and should be commended.

Alderman Kooiker stated that the City Council was told previously that the company that was awarded the \$101,000 contract for the **Stoney Creek Booster Station** was directly selected by the Public Works Director last March because the project was "so specialized as to eliminate any other firm from being listed as a qualified consultant". Last fall, I was informed by the new Acting Public Works Director, after concerns had been expressed, that the contract was awarded last March above the objections of engineering staff to someone who wasn't necessarily qualified to design booster stations and that most of the work is being subbed out. Kooiker stated that he is concerned that the Council didn't get the full story a few weeks ago. In fact, the presentation that was made a couple weeks ago appears to be a contradiction of earlier statements. Kooiker stated that it leads him to wonder if this firm has now suddenly become so qualified, why was most of the work being subbed out. Kooiker stated that he can only conclude that the result of not following the consultant selection process resulted in a higher cost to taxpayers. He added that he feels it is crucial for the healing of city government and to restore trust with out constituents that we admit that there have been problems and move on. The new Consultant Selection Process is on the agenda tonight for approval by the council and Kooiker thanked all those who worked on developing that policy. Kooiker stated, however, that the new policy will only work if there is a commitment to follow it. Acting Public Works Director Ted Vore stated that, relative to the report he gave, the first item on the report says "Well No. 12 was drilled and the monitoring tests were performed by Phil Nichols and Associates, directly selected by Public Works as a project so specialized as to eliminate any other firm from being listed as a qualified consultant authorized as No. 1 of the Consultant Selection Procedure". It had absolutely nothing to do with the Stoney Creek Booster Station; it was Well No. 12.

Continued Items Consent Calendar – Items 7-32

Motion was made by Rodriguez, seconded by Hadley and carried to continue the following items, as noted:

Continue the following items until February 2, 2004:

7. 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.

8. 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.
9. 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.
10. 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.
11. No. 03PL050 - A request by Mark Polenz for Daniel Schoenfelder for a **Preliminary Plat** on Lot A and Lot B of Schoenfelder Subdivision all located in the NW1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, legally described as Lot 1 of Lot C of Schamber Section 9 NW1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, located at 3505 Western Avenue.
12. No. 03PL051 - A request by Doug Sperlich for Jeff Stone for a **Final Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive.
13. 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.
14. 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.

16. No. 03PL097 - A request by Renner & Sperlich Engineering Company for Doeck, LLC for a **Preliminary and Final Plat** on Lots 12-21 Block 1, Lots 12-40 Block 2, Lots 1-12 and 21-24 Block 3, and Lots 1, 13, 14, 30 and 31 Block 5 of Auburn Hills Subdivision, located in the NW1/4 of SW1/4 and the SW1/4 of NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 and the SW1/4 of the NW1/4 located in the NW1/4 of SW1/4 and the SW1/4 of NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north and south of Amber Drive.
17. No. 03PL104 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 13 and Tract A, Block 4; Lots 6 thru 12, Block 16; Lots 1A thru 12A, Lots 1B thru 12B, and Tract B, Block 18; Tract C and Dedicated Streets; Big Sky Subdivision, located in the N1/2 NW1/4 SE1/4 and the SW1/4 NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SW1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the unplatted portion of the NW1/4 SE1/4 less Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Patricia Street, Aurora Drive and Carl Avenue.
18. No. 03PL125 - A request by Fisk Land Surveying & Consulting Engineers Inc. for Rapid City Congregation of Jehovah's Witnesses for a **Layout Plat** on Lot 1 Revised of Block 7 of Morningside Addition, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 4, Block 7; and, Lots 5 and 6, Block 8; all located in Morningside Addition, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of West Boulevard North along Oriole Drive and Thrush Drive.
19. No. 03RZ052 – Second Reading, **Ordinance 4009**, a request by WellSpring, Inc. for a **Rezoning from Flood Hazard District to Office Commercial District** on Lots 1 thru 3, Block 11, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1205 E. St. James Street.
20. No. 03RZ053 - Second Reading, **Ordinance 4010**, a request by WellSpring, Inc. for a **Rezoning from Medium Density Residential District to Office Commercial District** on Lots 4 and 5, Block 11, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1205 E. St. James Street.
21. 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.
22. No. 03SV028 - A request by Dream Design International for Doyle Estes (DTH LLC) for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, watermain and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 3-7, Block 13; and dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 GL3 less Big Sky

Subdivision; S1/2 GL4 less Lot H1 and Less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and Less Right-of-Way, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Buddy Court off of Degeest Drive.

23. No. 03SV035 - A request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement on the section line highway and to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.00 acres more or less, located northwest of the U.S. Highway 16 and Moon Meadows Road.
24. No. 03SV039 - A request by Gordon Howie for Galen Steen for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sewer, water, street light conduit, sidewalk and pavement as per Chapter 16.16 of the Rapid City Municipal Code** in the SW1/4 NE1/4; the west 66 feet of the NW1/4 NE1/4, Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, a portion of the E1/2 of Section 25, located in the E1/2 Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the center 1/4 corner of Section 25, and the Point of Beginning, thence, first course: N90°00'00"E, along the 1/4 line of Section 25, a distance of 396 feet; thence, second course: S00°00'00"W, a distance of 624.43 feet; thence, third course: N90°00'00"W, a distance of 396.00 feet, to a point on the 1/4 line of Section 25; thence, fourth course: N00°00'00"E, along the 1/4 line of Section 25, a distance of 624.43 feet, to the center 1/4 corner of Section 25, and the point of beginning; said parcel contains 5.677 acres more or less, located southeast of the intersection of Anderson Road and South Side Drive.

25. No. 03SV048 - A request by D.C. Scott Co. for Jerry Burrow for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and pavement and to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 16 of Twilight Hills Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located at 5252 Ross Court.
26. No. 03SV050 - A request by Fisk Land Surveying & Consulting Engineers Inc. for Rapid City Congregation of Jehovah's Witnesses for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 Revised of Block 7 of Morningside Addition, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 4, Block 7; and, Lots 5 and 6, Block 8; all located in Morningside Addition, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of West Boulevard North along Oriole Drive and Thrush Drive.
27. No. 03VR012 - A request by Alvin Ficek for Heartland GMAC Real Estate for Barbara Van Ekeren and Peggy Kelly for a **Vacation of Right-of-Way** on a portion of undeveloped Oriole Drive right-of-way adjoining Lots 2 and 3 in Block 7 and Lots 5 and 6 in Block 8 of Lot A of Morningside Subdivision, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Oriole Drive west of West Boulevard North.
28. No. 03VR013 - A request by Alliance of Architects and Engineers for Pennington County Housing & Redevelopment Commission for a **Vacation of Right-of-Way** on that portion of the alley of Block 13, Wise's Addition adjacent to Lots 4 thru 10 and Lots 11 thru 17 of said Block 13, located in the S1/2 of the NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 305, 307, 311 and 313 East Adams Street.

Continue the following items until February 16, 2004:

29. 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.
30. 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.
31. No. 03CA040 - A request by Centerline for Ken Kirkeby and Larry Lewis for an **Amendment to the Comprehensive Plan to change the future land use designation on a 14.92 acre parcel of land from Park Forest to Low Density Residential II** on Parcel A of Tract SB of Springbrook Acres, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Sandstone Ridge Apartments and east of Holiday Estates.
32. No. 03RZ047 - Second Reading, **Ordinance 4004**, a request by Centerline for Ken Kirkeby and Larry Lewis for a **Rezoning from Park Forest District to Low Density**

Residential II District on Parcel A of Tract SB of Springbrook Acres, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Sandstone Ridge Apartments and east of Holiday Estates.

End of Continued Items Consent Calendar

Alcoholic Beverage License Applications

This was the time set for hearing on the application of Piesano's Pacchi, Inc. dba **Piesano's**, 3618 Canyon Lake Drive, for an On-Off Sale Malt Beverage License Transfer (from M&M Restaurant, Inc.) No public comments were made and Mayor Shaw closed the public hearing. 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 Piesano's Pacchi, Inc. dba **Piesano's**, 3618 Canyon Lake Drive, for an On-Sale Wine License (New License – No Video Lottery). No public comments were made and Mayor Shaw closed the public hearing. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

Set for Hearing

Upon motion made by Hanks, seconded by Murphy and carried, the Finance Officer was directed to publish notice of hearing on the application of the Rapid City Arts Council for a Special Malt Beverage and Special Wine License to be used at the **Dahl Art Museum**, 713 Seventh Street, on February 6, 2004, said hearing to be held on Monday, February 2, 2004.

Consent Calendar Items – 36-75

The following items were removed from the Consent Calendar:

- 38. Request staff to proceed with platting, as one lot, the unplatted portion of City-owned property along Hwy 16; and to bring forward, at a later date, a recommendation to list the property with a real estate agent.
- 48. No. PW011304-12 – Approve a Travel Request in the amount of \$1,600 for Duncan Olney to attend the National Aquatic Conference in Charleston, SC, February 25 – March 2, 2004.
- 62. No. LF011404-05 – Approve Resolution Establishing a List of Persons from Whom to Select Freeholders to Appraise Surplus Properties.
- 64. No. LF011404-07R – Approve Resolution Declaring Property Surplus.

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

Public Works Committee Consent Items

- 36. No. PW102803-01 – Approve the Policy Statement for Consultant Selection Process.
- 37. Acknowledge the report on the policy of initialing and dating redlines and plan reviews.
- 39. No. PW011304-01– Approve Change Order No. 05 for Omaha Street Water & Sewer Utilities and Median Beautification Projects Nos. SSW02-1106 & PR02-1215 to Stanley J. Johnsen Concrete contractor, Inc. for an increase of \$5,231.50.
- 40. No. PW011304-02 – Approve Change Order No. 01 and Final for Northeast Area Sanitary Sewer Interceptor, Phase 1 Project No. SS03-1250 to Mainline Contracting, Inc. for a decrease of \$9,941.66.
- 41. No. PW011304-04 – Authorize staff to advertise for bids for Schamber Addition (Cleghorn Water Association) Water Main Extension Project No. W03-1286.
- 42. No. PW011304-05 – Authorize staff to advertise for bids for Whitehead Ballfields Restroom and Picnic Shelter Project No. PR04-1332.

43. No. PW011304-06 – Authorize staff to advertise for bids for Two (2) New Current Model Year Skid Steer Loaders for Material Recovery Facility.
44. No. PW011304-07 – Authorize staff to advertise for bids for New Hydraulic Motors for Dano Drums for Material Recovery Facility.
45. No. PW011304-08 – Authorize staff to advertise for bids for Closure of Landfill Area, “Variance Pit”.
46. No. PW011304-09 – Authorize staff to advertise for bids for Replacement of Landfill Scale Deck.
47. No. PW011304-11 – Approve Out-of-the-Dust funds in the amount of \$4,000 to pave a portion of an alley adjacent to 4251 Canyon Lake Drive between Canyon Lake Drive and First Avenue from Jackson Boulevard and Lakeview Drive.
49. Request staff to move forward with a new Recreation Program Guide.
50. No. PW011304-14 – Acknowledge the report on the Request for Proposals for Work Place Air Quality Study for Material Recovery Facility.
51. No. PW011304-15 – Approve the purchase of Ice Sanding Material from Birdsall Sand & Gravel, Rapid City for a price of \$8,05 per ton with an approximate quantity of 5,000 ton, under State Contract #3-45-71S for the Street Department.
52. No. PW011304-16 - Acknowledge the report on the Enchanted Hills park land proposal.

Legal & Finance Committee Consent Items

53. Direct staff to work with Bob Moore and Mike Derby in identifying the property owners in the 900 Block of Quincy Street, send out notices to those property owners regarding the request for two hour parking, and bring a recommendation to the Legal & Finance Committee.
54. Continue Lifeways program funding for 2004 until after the presentation from the Finance Office in February.
55. No. LF011404-12 – Confirm appointment of Dale Lamphere, Sharon Lee, and Michelle Lintz to Museum Alliance of Rapid City (Journey Board).
56. No. LF011404-13 – Confirm appointment of Van Lindquist, Wes Storm, Sheri Zimmer, Tom Allen, and Hugh Welsh to Parks and Recreation Board.
57. Change the City Council Agenda Format to move the recognition and awards items before general public comment.
58. No. LF011404-02 – Authorize staff to purchase 6 MSA MMR Self Contained Breathing Apparatus (60 Min.) in the Sum of \$23,776.56.
59. No. LF011404-03 – Authorize staff to advertise for bids for One Mass Decontamination Shower System.
60. No. LF011404-04 – Approve Travel Request for Richard Lehmann, Robert Powell, and Councilman Ron Kroeger to attend the “Wildland Fire 2004” Conference in Reno, NV, March 3-6, 2004, in the approximate amount of \$3,051.
61. No. LF011404-16 – Authorize Mayor and Finance Officer to sign City of Rapid City Indenture of Restrictive Covenants with Working Against Violence, Inc.
63. No. LF011404-06 – Approve Resolution Fixing Time and Place for Hearing on Assessment Roll for Property Cleanup.

**RESOLUTION FIXING TIME AND PLACE FOR HEARING ON
ASSESSMENT ROLL FOR PROPERTY CLEANUP**

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

1. The assessment roll for Property Cleanup was filed in the Finance Office on the 19th day of January, 2004. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, February 16,

2004 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.

2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time and place of hearing thereon, that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 19th day of January, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

65. No. LF011404-08 – Authorize Mayor and Finance Officer to sign Agreement for Services with Martin Jurisch & Associates to sell YFS properties.
66. No. LF011404-09 – Approve renewal of Concession Agreement for 2004 for Milferd Best, d/b/a Milferd's Shaved Ice.
67. No. LF011404-10 – Approve renewal of Concession Agreement for 2004 for Keith G. Storm, d/b/a Blueberry Hill - Pied Piper.
68. No. LF011404-11 – Approve the following abatements: 16 Plus, LLP, 2003, \$4,681.52; 16 Plus, LLP, 2003, \$2,148.48; Albertson's, Inc., 2003, \$857.82; Albertson's, Inc., 2003, \$506.20; Biernbaum & Company, 2003, \$737.34; Big D Oil Co., 2003, \$5,122.84; Big D Oil Co., 2003, \$1,072.28; Jack C. Brand, 2003, \$7,232.66; Cabrera Jr./Harper, Agapito J., 2003, \$1,522.78; Roxann Chamberlain, 2003, \$546.18; Comer/Knapp, Jess J., 2003, \$3,024.78; Deblen Family Trust, 2003, \$878.86; Five T Motorcycle, 2003, \$17.48; Donald W. Gorman, 2003, \$8,314.18; H & B Automotive, 2003, \$6,820.98; Hagg Development, 2003, \$2,271.92; Hagg Development, 2003, \$2,274.22; Hamm, Trustee/Moyl, Kenneth R., 2003, \$297.82; Randy Hildebrant, 2003, \$314.36; J & D Tire LLC, 2003, \$884.40; Alleen Jenner, 2003, \$26.24; Daniel L. Lelacheur, 2003, \$602.96; McFarland/Sundby, Ryan, 2003, \$665.02; Garry H. McKinnon, 2003, \$1,366.78; Shanda M. McSherry, 2003, \$401.74; North American Trust, 2003, \$61.16; Daniel L. Ostendorf, 2003, \$478.26; Pacific Hide & Fur, 2003, \$319.08; South Dakota Concrete, 2003, \$71.86; Summit Construction, 2003, \$156.84; Summit Construction, 2003, \$46.62; Vucurevich Enterprise, 2003, \$1,208.90; Scott B. Zandstra, 2003, \$3,494.72.
69. No. CC011904-02 - Approve the following licenses: Central Station Service: All American Monitoring, Robert J. Keefe; Grand Central Station, Dennis Cooke; Gas Fitter: Donald L. Herman; Gas Contractor: Cody Champion, Champion Home Service & Supply, Inc.; George Thompson, Montana-Dakota Utilities Co.; House Mover: Dakota Hills Housemoving, Geoff Hooper; Metals and Gems: The Gun Shop, John Stone, Fair Deal, Inc.; The Pawn Shop, John Stone, Fair Deal, Inc.; Mobile Home Court: Golden Acres, Terry A. Whitmyre; Meadowlark Hill Mobile Estates, NW Engineering Company; Pleasant Acres Mobile Home Court, Gail V. Miller; Pawn Shop: The Gun Shop, John Stone, Fair Deal, Inc.; The Pawn Shop, John Stone, Fair Deal, Inc.; Refuse Collection: Fish Garbage Services, Inc., Clifford J. Fish; Kieffer Sanitation, Inc., Alan & Cliff Kieffer; Residential Contractor: All Star Construction, Inc., Terry J. Hulm; J V Bailey Co., Inc., James V. Bailey; Jason Baumeister Construction, Jason

Baumeister; Bickford Better Building, Jack Bickford; Black Hills Country Builders, Danny L. & Ginger Wessels; Carpenter Enterprises, Thomas J. Carpenter (Inactive); Cemcon, Tosh S. Pappas; Charlie's Ditching & Const., Charles Davis & Bob Porter; Cousin's Construction, Inc., Ronald E. Lyon; Custom Concrete Cutting, William A. Reishus, John H. Reishus; D & B Investments, Dan O'Brien, Bonnie O'Brien, Troy O'Brien; DMG Construction, David M. Grundstrom; Dewitt Builders, Inc., Brad De Witt; Loren Doyle Concrete, Inc., Loren & Donna Doyle; Earthorizons, Inc., Robert Burns & Mary Lahood; Daniel Crow Company, Daniel R. Crow (inactive); Elks Country Estates, Dennis E. Zandstra; Energy Smart Homes, Inc., Dale Tipton; Erickson Construction, Roy Erickson (Inactive); Feters Construction, Shad Feters; Forkner Contracting, Marvin Forkner; G & J Construction, Darin Good; Greenwaldt Building Service, Peter Greenwaldt; Hagen Glass Company, Jay Hagen; Hargens Cont., Marvin Hargens; Hunter Enterprises, Philip R. Hunter; Jeff's Construction, Jeffrey D. Ogaard; Jul-Mar Development, Scott Craig; K & J Builders, Dennis Johnson & Kathy Kelly-Johnson; K-Ram Industries, Robert Pagan; Kodiak Builders, Inc., Michael & Debbie Johnson (inactive); Loerzel Construction, John, Mark & Scott Loerzel; Luond, Inc., Al Luond; MTB Construction Co., Michael T. Benson; Marcy's LLC, Marcy Barber; McGough Construction, Patrick McGough; Mehlhaff Construction, Inc., Jeffrey T. Mehlhaff; Quality Homes, Aaron Marshall; Mendel's Masonry & Concrete, Stephen P. Mendel; Moss' Contracting, Douglas L. Moss; Nelsen Construction, Kyle Nelsen; Olson Dirtwork, David W. & Mike D. Olson; Parker Construction, James Parker; Pulis Construction, Inc., Trent & Todd Pulis; SRW Construction, Inc., Scott Williams; SS Home Service, Steve Zimmer; Sanders Construction, Thomas N. Sanders; Sturges Const., Gary Sturges; Tipton Const. & Dirt Works, Charles & Scott Tipton (Inactive); Triple J Const. Corp., Gerald E. Fines & Gerald E. Fines, Jr.; Weidenbach Bros. Const., Allan Weidenbach; Second Hand: Furniture Mart, Susan R. Sorbel; St. Joe Antiques Mall, Doris M. Epperson; The Gun Shop, John Stone, Fair Deal, Inc.; The Pawn Shop, John Stone, Fair Deal, Inc.; Treasure Chest, Shawna C. Maxfield; Security Business: Michael D. Gebeke, Aramark Facility Services; Michael J. Jacob, Discovery Investigation Services; Sign Contractor: Budget Signs, Lanny Iwan; Epic Outdoor Advertising, LLP, Brendan Casey; Solar Sound Corp., Willard A. Weber; Sponder Outdoor Advertising, Hank Sponder; Stagecoach West Signs, Inc., Herman F. Jones; Stump Sign Company, Craig Stump; Unique Signs, Inc., Lesley Rutter; Taxi Business: RC Cab, Inc., Charles W. Jager

Planning Department Consent Items

70. No. 03AN011 – Approve the request by FMG, Inc. for Bill Freytag for a **Petition for Annexation** of the described property, located along Nicole Street:

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

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

The NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the northwest corner of Lot 9 of Block 1 of Tyler Knue Subdivision in the NW1/4 of NW1/4 of Section

24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence, N00°16'55"E a distance of 77.12 feet, more less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more less, to a point; Thence N00°27'37"E a distance of 121.67 feet , more or less, to a point; Thence N45°26'14"E a distance of 159.30 feet, more or less, to a point; Thence S44°33'46"E a distance of 12.36 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00 feet and an arc length of 57.47 feet, more or less, to a point; Thence N45°57'12"E a distance of 54.45 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00 feet and an arc length of 47.61 feet, with a cord bearing S71°38'36"E and a distance of 47.46 feet, more or less, to a point; Thence N14°08'42"E a distance of 198.01 feet, more or less, to a point; Thence N04°06'06"E a distance of 200.01 feet, more or less, to a point, said point being on the north line of Section 24, T2N, R7E, BHM: Thence N89°40'38"W a distance of 403.23 feet, more or less, to a point, said point being a 2" pipe marking the northwest corner of Section 24, T2N, R7E, BHM; Thence S00°27'40"W a distance of 664.08 feet, more or less, to a point, said point being the northwest 1/16 corner of Section 24, T2N, R7E, BHM; Thence S89°43'05"E a distance of 676.34 feet, more less, to the Point of Beginning, located along Nicole Street.

Dated this 19th day of January, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 71. No. 03AN012 – Approve the request by Dream Design International, Inc. for a **Petition for Annexation** on the described property, located north of Nicole Street west of Haines Avenue:

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

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

The north-south section line right-of-way located in the S1/2 SE1/4 SE1/4 of Section 14, T2N, R7E, BHM; all of the section line right-of-way located in the S1/2 SW1/4 SW1/4 of Section 13, T2N, R7E, BHM; the east 918.40 feet of the east-west section line right-of-way located in the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM; and, the north-south section line right-of-way located in the NE1/4 of Section 23, T2N, R7E, BHM; all located in Sections 13, 14, 23 and 24, T2N, R7E, BHM, Pennington County, South Dakota.

Dated this 19th day of January, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

72. 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. (CONTINUE TO FEBRUARY 2, 2004)
73. No. 03PL099 - A request by FMG, Inc. for Bill Freytag for a **Layout, Preliminary and 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. (APPROVE THE LAYOUT AND PRELIMINARY WITH THE FOLLOWING STIPULATIONS, AND CONTINUE THE FINAL PLAT UNTIL FEBRUARY 2, 2004: 1) Prior to Preliminary Plat approval by the City Council, erosion control measures shall be verified; 2) Prior to Preliminary Plat approval by the City Council, necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; 3) Prior to Preliminary Plat approval by the City Council, modifications to the pavement design shall be submitted for review and approval as needed; 4) A Special Exception shall hereby be granted to allow 49 dwelling units in lieu of 40 dwelling units with one point of access as per the Street Design Criteria Manual; 5) Prior to Preliminary Plat approval by the City Council, the section line highway located along the north and west lot line(s) shall be improved to City Street Design standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highways shall be vacated; 6) Prior to Preliminary Plat approval by the City Council, a Comprehensive Plan Amendment to the Major Street Plan relocating the collector street located along the north lot line shall be obtained or construction plans for the collector street shall be submitted for review and approval; 7) Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; 8) Prior to Preliminary Plat approval by the City Council, the northern portion of the subject property shall be annexed into the City limits of Rapid City; 9) Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement; and, 10) 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.
74. No. 03PL113 – Approve the request by Dream Design International, Inc. for a **Preliminary and Final Plat** located along Muirfield Drive.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Red Rock Estates Phase 1A including Lot 12 of Block 6 (formerly a portion of the unplatted balance of the SW1/4 of the NE1/4 Section 29, and a part of Picardi Ranch Road) located in the SW1/4 of the NE1/4 of Section 29, 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 Red Rock Estates Phase 1A including Lot 12 of Block 6 (formerly a portion of the unplatted balance of the SW1/4 of the NE1/4 Section 29, and a part of Picardi Ranch Road) located in the SW1/4 of the NE1/4 of Section 29, 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 January, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 75. No. 03PL119 - A request by D.C. Scott Co. for Jerry Burrow for a **Layout Plat** on Lot 16 of Twilight Hills Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located at 5252 Ross Court. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of a Preliminary Plat, a grading plan and a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed; 2) Upon submittal of a Preliminary Plat, a complete site plan shall be submitted for review and approval showing all development on the property including accessory structures, retaining walls, fences and service line locations as well as approaches on both sides of Reservoir Road and Ross Court as they abut the subject property; 3) Upon submittal of a Preliminary Plat, road construction plans for Reservoir Road shall be submitted for review and approval. Reservoir Road shall be constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained; 4) Upon submittal of a Preliminary Plat, road construction plans for Ross Court shall be submitted for review and approval. Ross Court shall be constructed with a minimum 49 foot wide right-of-way and a 24 foot wide paved surface, curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained; 5) Prior to Preliminary Plat approval by the Planning Commission, a Special Exception shall be obtained to allow Reservoir Road, which is not the lesser order street, to serve as access to proposed Lot A or the plat document shall be revised to show access to proposed Lot A from Ross Court; 6) Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 7) Prior to Final Plat approval by the City Council, the plat document shall be revised to include the dedication of 17 additional feet of right-of-way along Reservoir Road or a Variance to the Subdivision Regulations shall be obtained; 8) Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement

along Ross Court and Reservoir Road except for approved approach location(s); 9) Prior to Final Plat approval by the City Council, an approach permit shall be obtained to allow access from Reservoir Road to proposed Lot A. In addition, the approach shall be constructed or surety posted for the improvement; 10) Prior to Final Plat approval by the City Council, a Variance shall be obtained from the Pennington County Board of Adjustment to reduce the front yard setback from 25 feet to 8.9 feet for the single family residence located on proposed Lot A resulting from the dedication of 17 additional feet of right-of-way along Reservoir Road or a Variance to the Subdivision Regulations shall be obtained to waive the requirement to dedicate the additional right-of-way; 11) Prior to Final Plat approval by the City Council, a building permit to allow a single family residence on proposed Lot A shall be submitted for review; and 12) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

END OF CONSENT CALENDAR

The next item discussed by the Council was a request that staff proceed with platting, as one lot, the unplatted portion of **City-owned property** along Hwy 16; and to bring forward, at a later date, a recommendation to list the property with a real estate agent. Motion was made by Kroeger, seconded by Waugh and carried to send this item back to the Public Works Committee meeting for further review of the lot configuration.

Motion was made by Hanks, seconded by Murphy and carried to approve No. PW011304-12 – Travel Request in the amount of \$1,600 for Duncan Olney to attend the National Aquatic Conference in Charleston, SC, February 25 – March 2, 2004.

The following Resolution was introduced, read and Waugh moved its adoption (No. LF011404-05:

A RESOLUTION ESTABLISHING A LIST OF PERSONS FROM WHOM TO SELECT FREEHOLDERS TO APPRAISE SURPLUS PROPERTIES

WHEREAS the City of Rapid City, from time to time, determines that certain specified property is no longer useful or suitable for municipal purposes and declares such property surplus; and

WHEREAS the City is required to appoint a board of three (3) freeholders to appraise such property prior to its sale; and

WHEREAS the City Council finds that the following persons are freeholders of the City of Rapid City and are qualified to appraise surplus property.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the following list of persons is hereby named as a non-exclusive panel from whom freeholders to act as appraisers may be appointed:

- Doug Aldrich
- Craig Tieszen
- Gary Shepherd
- Alan Hanks
- Tom Murphy
- Ron Kroeger
- Bill Waugh
- Jeff Partridge
- Jim Preston

BE IT FURTHER RESOLVED that the City Council reserves the right to appoint such other persons as freeholders to appraise surplus property as the City Council may determine.

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

The following Resolution was introduced, read and Rodriguez moved its adoption (No. LF011404-07R):

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

Bus No. 101, VIN #1FDJE30FXTHA52264, Inv. No. 001605

Bus No. 102, BIN #1FDJE30FOTHA59398, Inv. No. 001606

Engineering

Office Chair, Inv. No. 7567

Street Department

Gehl HB500 Pavement Breaker, SN HB3G-54

Solid Waste

1996 Bobcat 853, SN 512822121, Inv. No. 18318

1996 Bobcat 853, SN 512822145, Inc. No. 18319

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 19th day of January, 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 Murphy. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel

and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

Planning Department Items

The Mayor presented No. 03PL122, a request by Centerline for Magheramore, LLC for a **Layout Plat** on Lots 1 thru 10, Block 1, Darlington Estates, 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. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the Layout Plat with the following stipulations: 1) Upon submittal of a Preliminary Plat application, a grading plan 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 application, a drainage plan shall be submitted for review and approval. The drainage plan shall provide controls to maintain run-off to pre-developed flows. In addition, the plat document shall be revised to provide drainage easements as necessary; 3) Upon submittal of a Preliminary Plat application, 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 application, 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 obtained. If on-site well(s) are used, data to confirm that the well(s) have sufficient flows and water quality shall be submitted for review and approval; 5) Upon submittal of a Preliminary Plat application, road construction plans for Old Folsom Road shall be submitted for review and approval. Old Folsom Road shall be constructed with a minimum 100 foot wide right-of-way and a 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer improvements or a Variance to the Subdivision Regulations shall be obtained; 6) Upon submittal of a Preliminary Plat application, road construction plans for Lamb Road shall be submitted for review and approval. Lamb Road shall be constructed with a minimum 100 foot wide right-of-way and a 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer improvements or a Variance to the Subdivision Regulations shall be obtained; 7) Upon submittal of a Preliminary Plat application, road construction plans for the private access easement shall be submitted for review and approval. The private access easement shall be constructed to City standards with a minimum 45 foot wide easement width and a 20 foot wide paved surface and curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 8) Upon submittal of a Preliminary Plat application, road construction plans for the "52 foot wide right-of-way" un-named cul-de-sac shall be submitted for review and approval. The cul-de-sac shall be constructed to City standards with a 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer improvements or a Variance to the Subdivision Regulations shall be obtained. If the turnaround is located outside of the area being platted, an access easement shall be recorded at the Register-of-Deed's Office as a miscellaneous document prior to Final Plat application; 9) Upon submittal of a Preliminary Plat application, construction plans for the section line highway shall be submitted for review and approval. The section line highway shall be constructed to City standards with a minimum 24 foot wide paved surface, curb, gutter street light conduit, water and sewer improvements or a Variance to the Subdivision Regulations shall be obtained to waive the street improvement or the section line highway shall be vacated or re-located; 10) Upon submittal of a Preliminary Plat application, a Master Plan for the balance of the two properties shall be submitted for review and approval; 11) Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for

review and approval; 12) Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained; 13) A Special Exception is hereby granted to allow a 1,350 foot long cul-de-sac without intermediate turnarounds in lieu of a 1,200 foot long cul-de-sac with intermediate turnarounds every 600 feet as per the Street Design Criteria Manual with the stipulation that a turnaround with a minimum 118 foot diameter right-of-way and a 92 foot wide diameter paved surface shall be provided at the end of the cul-de-sac; 14) Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along Old Folsom Road and Lamb Road except for the approved approach location to Lot 1; 15) Upon submittal of a Final Plat application, a road maintenance agreement for the private access easement and the "52 foot wide right-of-way" cul-de-sac shall be submitted for review and approval; 16) Upon submittal of a Final Plat application, the property shall be rezoned from General Agriculture District to Limited Agriculture District; 17) 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; 18) Upon submittal of a Final Plat application, the applicant shall provide a copy of a homeowners covenants identifying that a minimum 50 foot setback will be provided along the proposed private access easement; 19) Upon submittal of a Preliminary Plat, road names for the private access easement and the "52 foot wide right-of-way" cul-de-sac shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved road names; 20) Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a 10 foot wide planting screen easement along Old Folsom Road and Lamb Road or a Variance to the Subdivision Regulations shall be obtained; and, 21) Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

The Mayor presented No. 03PL123, a request by Centerline, Inc. for 3 T's Land Development LLC for a **Layout Plat** in the NW1/4 SW1/4 less Tract R in the NW1/4 SW1/4 and less NE1/4 NE1/4 NW1/4 SW1/4; N1/2 N1/2 N1/2 N1/2 SW1/4 SW1/4, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Minnesota Street west of 5th Street. Motion was made by Kooiker, seconded by Rodriguez and carried to continue this item until February 2, 2004.

The Mayor presented No. 03CA039, a request by the City of Rapid City for an **Amendment to the Comprehensive Plan to adopt the South Truck Route Drainage Basin Master Plan**. 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 January 19, 2004 to consider an amendment to the Comprehensive Plan to adopt the South Truck Route Drainage Basin Master Plan, 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 January, 2004.

ATTEST:
s/ James F. Preston

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

Finance Officer
(SEAL)

The motion for adoption of the foregoing Resolution was seconded by 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. 03CA043, a request by Centerline, Inc. for 3 T's Land Development LLC 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 40.96 acre parcel from a Planned Residential Development with a maximum density of one dwelling unit per acre to a Planned Residential Development with a maximum density of 1.2 dwelling units per acre**, located along Minnesota Street west of 5th Street. The following Resolution was introduced, read and Rodriguez 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 January, 2004 to consider an amendment to the Comprehensive Plan Amendment by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 40.96 acre parcel from a Planned Residential Development with a maximum density of one dwelling unit per acre to a Planned Residential Development with a maximum density of 1.2 dwelling units per acre in the NW1/4 SW1/4 less Tract R in the NW1/4 SW1/4 and less NE1/4 NE1/4 NE1/4 NW1/4 SW1/4; N1/2 N1/2 N1/2 N1/2 SW1/4 SW1/4, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and good cause appearing therefor

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

Dated this 19th day of January, 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 Partridge. Kooiker stated that in the past there has been considerable discussion regarding densities in this area. He asked if there had been concerns raised by the neighbors to this development. Elkins stated that she is not aware of any concerns expressed in this particular area. There has been considerable discussion of densities south of Catron Boulevard and in the Elm Street area. The subject property is directly west of Fifth Street and south of Minnesota Street. She added that the proposed increase is relatively small; from 1 unit per acre to 1.2 units per acre and the Planning Commission is comfortable with the proposed change. Elkins added that no objections were raised on this issue at the Planning Commission hearing. 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. 03SV047, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to reduce the right-of-way width from 68 feet**

to 52 feet as per Chapter 16.16 of the Rapid City Municipal Code on a parcel of land located in SW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the southeast corner of Lot1B, Block 6 of Red Rock Estates Phase 1A, as recorded with the Pennington County Register of Deeds in Book 30, Page 162 (1 & 2); thence S14°58'00"E, 120.00 feet; thence S75°02'00"W, 144.56 feet to a point lying on a curve concave to the east and whose chord bears N22°17'57"W, 120.99 feet; thence continuing along the arc of said curve to the right whose radius is 474.00 feet and whose delta angle is 14°39'53", an arc length of 121.32 feet to a point on said curve; said point also being the southwest corner of said Lot 1B, Block 6; thence N75°02'00"E along the southerly line of said Lot 1B, Block 6, 160.00 feet to the Point of Beginning containing 0.427 acres more or less, located along Muirfield Drive. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested Variance.

The Mayor presented No. 03SV049, a request by Centerline for Magheramore, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, water, pavement and to provide a planting screen as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 10, Block 1, Darlington Estates, 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. Larry Kostaneski explained that the property owner has requested that the Council include the requirement to pave the roads in this subdivision to the list of items covered by the WORP Agreement. The recommendation of the Planning Commission and staff at this time is to require that the paving be done, or surety provided, prior to the final plat being approved. Motion was made by Rodriguez and seconded by Waugh to approve the Variance request with the revised stipulations submitted by the Growth Management Director. There was discussion about the City's policy to require paving for contiguous road segments. Also, WORP agreements would not be useful to the city because they only deal with assessed projects which cannot be done on property outside the city limits. City Attorney Green explained that the only time a WORP Agreement is useful to the city is when we get the point of doing an assessed project. We are not able to do assessed projects outside the city limits, so that type of agreement doesn't do us any good today. If at some point the land comes into the city, at that point in time we may be able to take advantage of a WORP Agreement. Kooiker asked about the land use plans for this area. Elkins explained that this land would be under the jurisdiction of Pennington County for zoning issues. The City's neighborhood land use plans do not include this area. Substitute motion was made by Kooiker, seconded by Partridge and carried to continue this item until February 2, 2004 to allow the Planning Department staff to review the County's future land use plans in this area and provide a clear recommendation at that time.

The Mayor presented No. 03VR014, a request by Dream Design International, Inc. for a **Vacation of Section Line Highway**, located north of Nicole Street and west of Haines Avenue. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION OF VACATION OF RIGHT-OF-WAY

WHEREAS it appears that a portion of the north-south section line right-of-way located in the S1/2 SE1/4 SE1/4 of Section 14, T2N, R7E, BHM; all of the section line right-of-way located in the S1/2 SW1/4 SW1/4 of Section 13, T2N, R7E, BHM; the east-west section line right-of-way located in the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM; the north-south section line right-of-way located in the NW1/4 of Section 24, T2N, R7E, BHM; and the north-south section line right-of-way located in the NE1/4 of Section 23, T2N, R7E, BHM, Pennington County,

South Dakota, located north of Nicole Street and west of Haines Avenue is not needed for public purposes; and

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

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

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

Dated this 19th day of January, 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 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.

Ordinances & Resolutions

The Mayor announced the meeting was open for hearing on No. 03RZ043 - Second Reading, **Ordinance 3997**, a request by FMG, Inc. for Bill Freytag for a **Rezoning from No Use District to Low Density Residential II District** on the following property: A tract of land located in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the northwest corner of Lot 9 of Block 1 of Tyler Knue Subdivision in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence, N00°16'55"E a distance of 77.12 feet, more less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more less, to a point; Thence N00°27'37"E a distance of 121.67 feet, more or less, to a point; Thence N45°26'14"E a distance of 159.30 feet, more or less, to a point; Thence S44°33'46"E a distance of 12.36 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00 feet and an arc length of 57.47 feet, more or less, to a point; Thence N45°57'12"E a distance of 54.45 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00 feet and an arc length of 47.61 feet, with a cord bearing S71°38'36"E and a distance of 47.46 feet, more or less, to a point; Thence N14°08'42"E a distance of 198.01 feet, more or less, to a point; Thence N04°06'06"E a distance of 200.01 feet, more or less, to a point, said point being on the north line of Section 24, T2N, R7E, BHM; Thence N89°40'38"W a distance of 403.23 feet, more or less, to a point, said point being a 2" pipe marking the northwest corner of Section 24, T2N, R7E, BHM; Thence S00°27'40"W a distance of 664.08 feet, more or less, to a point, said point being the northwest 1/16 corner of Section 24, T2N, R7E, BHM; Thence S89°43'05"E a distance of 676.34 feet, more less, to the Point of Beginning, located along Nicole Street. Notice of hearing was published in the Rapid City Journal on October 25 and November 1, 2003. Ordinance 3997, having had the first reading on October 20, 2003, it was moved by Hanks and seconded by French that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley,

Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3997 the second time.

The Mayor announced the meeting was open for hearing on No. 03RZ044 - Second Reading, **Ordinance 3998**, a request by FMG, Inc. for Bill Freytag for a **Rezoning from Mobile Home District to Low Density Residential II District** in the S1/2 NW1/4 NW1/4 less Tyler Knue Subdivision, Section 24, T2N, R7E, unplatted, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Nicole Street. Notice of hearing was published in the Rapid City Journal on October 25 and November 1, 2003. Ordinance 3998, having had the first reading on October 20, 2003, it was moved by Hanks and seconded by French that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3998 the second time.

The Mayor announced the meeting was open for hearing on No. 03RZ051 – Second Reading, **Ordinance 4008**, a request by Joe Muth for Doeck, LLC for a **Rezoning from Low Density Residential District to Low Density Residential II District** on Lot 1 of Block 1 and Lot 1 of Block 2, Auburn Hills Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 730 and 810 Auburn Drive. Notice of hearing was published in the Rapid City Journal on January 10 and January 17, 2004. Ordinance 4008, having had the first reading on January 5, 2004, it was moved by Hanks and seconded by Murphy that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 4008 the second time.

The Mayor announced the meeting was open for hearing on No. 03RZ054 - Second Reading, **Ordinance 4011**, a request by the City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the following property: Beginning at the NW corner of Section 29, T1N, R7E, BHM, Pennington County, South Dakota; which shall be the true point of Beginning; thence east along the Section line a distance of 2147.50 feet; thence north a distance of 233.00 feet; thence west a distance of 2180.51 feet; thence south a distance of 233.00 feet; thence east a distance of 33.01 feet, more or less, to the true point of Beginning; all located in Sections 19 and 20, T1N, R7E, BHM, Pennington County, South Dakota; and, beginning at the NW corner of Section 29, T1N, R7E, BHM, Pennington County, South Dakota; which shall be the true point of Beginning; thence south along the Section line a distance of 4000.00 feet; thence west a distance of 250.00 feet; thence north a distance of 1090.00 feet; thence east a distance of 216.99 feet; thence north a distance of 2910.00 feet; thence east a distance of 33.01 feet; more or less, to the true point of Beginning; all located in Section 30, T1N, R7E, BHM, Pennington County, South Dakota, located west of Red Rock Estates and north of Sheridan Lake Road. Notice of hearing was published in the Rapid City Journal on January 10 and January 17, 2004. Ordinance 4011, having had the first reading on January 5, 2004, it was moved by Hanks and seconded by Waugh that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 4011 the second time.

The Mayor presented No. 03RZ055 - Second Reading, **Ordinance 4012**, a request by Centerline, Inc. for 3 T's Land Development LLC for a **Rezoning from General Agriculture District to Low Density Residential District** on the following property: The NW1/4 SW1/4 less Tract R in the NW1/4 SW1/4 and less NE1/4 NE1/4 NE1/4 NW1/4 SW1/4; N1/2 N1/2 N1/2 N1/2 SW1/4 SW1/4, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Minnesota Street west of 5th Street. Notice of hearing was published in the Rapid City Journal on January 10 and January 17, 2004. Ordinance 4012, having had the first reading on January 5, 2004, it was moved by Hanks and seconded by

French that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 4012 the second time.

Ordinance 4013 entitled An Ordinance Amending Section 17.04.240 of the Rapid City Municipal Code Pertaining to the Definition of "Dwelling Unit" (No. 04OA001), was introduced. Motion was made by Hanks and seconded by Hadley to approve first reading of Ordinance 4013 and set second reading for February 2, 2004. Upon vote being taken, the motion carried with Kriebel voting no.

Ordinance 4014 entitled An Ordinance Amending Section 17.50.250(C) of the Rapid City Municipal Code Pertaining to Provisions for Wheelchair Ramps (No. 04OA002), was introduced. Upon motion made by Hanks, seconded by Hadley and carried, Ordinance 4014 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 2, 2004.

Ordinance 4015, Supplemental Appropriation No. 1 for 2004 (No. CC011904-03), was introduced. Upon motion made by Hanks, seconded by Hadley and carried, Ordinance 4015 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 2, 2004.

Ordinance 4016, (No. 03RZ056) a request by Gary Renner for First Western Bank for a Rezoning from Light Industrial District to General Commercial District on Lots 1 thru 16, Lots 21 thru 28, Lots A thru F, all located in Block 4 of Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of Omaha Street and West Boulevard, was introduced. Motion was made by Hanks and seconded by French to approve first reading of Ordinance 4016 and authorize the Finance officer to publish notice of hearing thereon, said hearing to be Monday, February 2, 2004. Upon vote being taken, the motion carried with Kriebel voting no.

Ordinance 4017 (No. 03RZ057) a request by Thurston Design Group, LLP for the Children's Home Society of South Dakota for a Rezoning from Low Density Residential District to Office Commercial District on Tract B, Neff's Subdivision #4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1330 Jolly Lane, was introduced. Motion was made by Hanks and seconded by French to approve first reading of Ordinance 4017 and authorize the Finance officer to publish notice of hearing thereon, said hearing to be Monday, February 2, 2004. Upon vote being taken, the motion carried with Kriebel voting no.

Legal & Finance Committee Items

Motion was made by Hanks and seconded by Hadley to approve the request from Doyle Estes to change payment agreement for **Simmons Boulevard** to pay the proceeds directly to the City within 30 days after the plat is approved rather than prior to the final plat being approved. City Attorney Green informed the Council that Mr. Estes has asked that this item be continued to allow for additional discussion. Substitute motion was made by Hadley, seconded by Rodriguez and carried to continue this item until February 2, 2004.

Motion was made by Hanks and seconded by Hadley to deny No. LF011404-01 – Resolution Rescinding the Resolution Establishing **Requirements of Residency** for City Employees. Upon vote being taken, the motion carried with Murphy voting no.

Motion was made by Hanks, seconded by Rodriguez and carried to approve No. LF011404-14 – Confirm appointment of Ted Vore, Marcia Elkins, Jason Green, Jeff Hoffman, and Ethan Schmidt to Subcommittee on **Utility Services** to Properties Outside of City Limits; and include Alderpersons Alan Hanks and Ron Kroeger on the Subcommittee.

Police Chief Craig Tieszen reported that there are two change orders being processed for the **Public Safety Building Project**. The first change order, A3, will change water lines and sidewalks in front of the Public Safety Building. These changes were recommended by the Engineering Department to allow for future extensions of the water lines. The Change Order is for an increase of \$12,488. The second change order, A4, will add costs for an Alternate bid for security cameras. This alternate was not selected when the bids were awarded, however, Sheriff Holloway has been able to secure grant funding from Homeland Security to pay for the costs of these cameras. This change order is an increase of \$32,000. Motion was made by Hanks and seconded by Rodriguez to approve Change Orders A3 and A4, contingent on federal grant funding for Change Order A4. Upon vote being taken, the motion carried with Hadley voting no.

Motion was made by Hanks and seconded by Rodriguez to re-affirm Alternate One for the **Public Safety Building project** (renovation of the old jail to a training facility). Upon vote being taken, the motion carried with Hadley voting no.

The next item discussed by the Council was a **Cost Sharing Agreement** between the City and Eldene Henderson. City Attorney Greene explained that the Agreement has been drafted and submitted to Ms. Henderson for review. Since the agreement has not been signed at this time, Green recommended that it be continued. Motion was made by Kooiker, seconded by Partridge and carried to continue this item until February 2, 2004.

The Mayor presented No. 03PL084, a request by Renner & Sperlich Engineering Co. for Eldene Henderson for a **Preliminary and Final Plat** on Lot 7R and Lot 8R of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 7 and Lot 8 of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along North Haines Avenue. Motion was made by Hanks, seconded by Murphy and carried to continue this item to February 2, 2004.

Motion was made by Hanks, seconded by Rodriguez and carried to approve No. LF011404-15R – **Travel Request** for Curt Bechtel, Mark Brodrick, Bill Knight and Tim Behlings to attend International Codes Training in Denver, CO, March 1-5, 2004, in an amount of \$3,292.

Public Works Committee Items

Motion was made by Hanks and seconded by Murphy to authorize Mayor and Finance Officer to sign a Professional Service Agreement with FMG, Inc. for an engineering study for **Elm Avenue Drainage Study** and Preliminary Storm Sewer Design Project No. DR03-1333 for an amount not to exceed \$63,445 (No. PW011304-10). Kooiker asked for assurance that the work that will be done under this contract will not need to be redone when the Elm Street Design proceeds. Engineering Division Manager Dan Coon presented a map showing the area to be included in the drainage study. During the development of the drainage basin plan for this area, the City identified that the Elm Avenue/Meade Street intersection is a critical area in the drainage patterns within the basin. Staff has determined that the channel that drains to this intersection is undersized. This study is the first step in the Elm Avenue project; to properly re-design the street and infrastructure components involved. The first step is to get a handle on what needs to be done with the drainage in this area. The channel going through this area is a major drainage structure for the entire basin. The study will not hinder the Elm Avenue project, but will help us to make the right decisions early-on in this project. Once the City determines what alternatives should be done for drainage, we will then phase the project. The next step will be to do a final design in the Meade Street/Elm Avenue area as far as drainage, streets, water and sewer. As part of the final design for that area, we will look at preliminary designs for the rest of Elm Avenue and phase in the project over a couple years. Coon stated that he doesn't feel the City's Engineering Department is set up to do this

type of detailed engineering work. They have the knowledge, but not the manpower or capabilities for drafting for this type of project. Coon stated that the current schedule for this project, depending on available funding, is that this study be completed by June 1st. In May or June, staff would have enough information to scope the next phase of the design process. This summer, staff will be back before the Council to do the next phase in the design process which is finalization of the design in the Meade Street area, and preliminary designs along Elm Avenue. If funding is available, the first step in construction will be the Meade Street corridor which would be done in 2005 and the remaining components of Elm Street following in 2006 and 2007. There is too much work involved with this project for one construction season. Also, it will be a major disruption to the neighborhood. Upon vote being taken, the motion carried with French voting no.

Motion was made by Kooiker and seconded by Kroeger to request staff to prepare an ordinance amendment to **require public hearing notices** and property owner notification on 11-6-19 reviews. Elkins explained that currently there are no notification requirements for 11-6-19 reviews. She stated that it is her understanding that the proposed ordinance should require that a notice be published in the newspaper and mailed to property owners within 250' of the subject property. Also, these costs should be born by the person requesting the review. Roll call vote was taken: AYE: Hanks, French, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: Murphy. Motion carried, 9-1.

CIP Committee Items

Mayor Shaw announced that the meeting was open for hearing on the proposal to allocate \$185,000 from the **CIP Contingency Fund** to the Waterloo Street Reconstruction project. Elkins reported that the CIP Committee recommends that this allocation be approved. No public comments were made. Motion was made by Kroeger, seconded by Waugh and carried to approve the allocation as requested.

Motion was made by Hanks, seconded by Murphy and carried to authorize staff to advertise for bids for **Waterloo Street** and Utility Reconstruction Project No. WSS03-1084 (No. PW011304-03).

Approval of Bills

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

Payroll Paid Ending 01-10-04, Paid 01-16-04	606,621.07
Payroll Paid Ending 01-10-04, Paid 01-16-04	1,564.72
Pioneer Bank, Taxes Paid 01-16-04	147,310.66
Pioneer Bank, Taxes Paid 01-16-04	119.70
West Forty Realty, water rights	111,402.00
Berkley Risk Administrators, December claims	21,461.07
First Administrators, claims paid 1/7/04	99,424.23
First Administrators, claims paid 1/13/04	92,606.11
1 st National Bank Sioux Falls, SRF loan payments	374,946.13
BH Power & Light, electricity	5,384.41
MDU, natural gas	7,031.68
West River Electric Association, electricity	18,787.46
US Postmaster, billing postage	2,200.00
Computer Bill List	<u>2,540,327.45</u>
Total	\$4,029,186.69
 Payroll Paid Ending 01-10-04, Paid 01-16-04	 2,716.08

Pioneer Bank, Taxes Paid 1-16-04	200.34
City of Rapid City, Computer Center, supplies	26.76
City of Rapid City, postage	8.48
City of Rapid City, petty cash	24.00
City of Rapid City, health insurance	699.88
Dakota Business Center, copier maintenance	5.64
First Administrators, Section 125 Fee	4.25
Johnson Machine, oil & filer	11.58
K-Mart, supplies	135.01
Kristi Nelson, mileage	27.36
SD Retirement System, pension	280.42
School of Mines, telephone	52.37
Standard Life, insurance	7.92
Angie Weeks, mileage	47.76
Total	<u>\$4,033,434.54</u>
<u>Treasurers Checks</u>	
Stanley Johnsen Concrete	5,231.50
Total	<u>\$4,038,666.04</u>

Executive Session

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

As there was no further business to come before the Council at this time, the meeting adjourned at 10:00 P.M.

CITY OF RAPID CITY

ATTEST:

 Mayor

 Finance Officer

(SEAL)