

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

September 19, 2005

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, September 19, 2005 at 7:00 P.M.

The following members were present: Mayor Jim Shaw and the following Alderpersons: Mike Schumacher, Ray Hadley, Karen Olson, Bill Okrepkie, Tom Johnson, Ron Kroeger, Deb Hadcock, Bob Hurlbut, Malcom Chapman and Sam Kooiker. The following Alderpersons arrived during the course of the meeting; None; and the following were absent: None.

Staff members present included Finance Officer Jim Preston, City Attorney Jason Green, Growth Management Director Marcia Elkins, Public Works Director Dirk Jablonski, Dr. Richard Talley, Chief of Staff; Fire Chief Gary Shepherd, Parks and Recreation Director Jerry Cole, Civic Center Manager Brian Maliske, and Administrative Assistant Jackie Gerry.

**APPROVE MINUTES**

Okrepkie moved, second by Hadcock and carried to approve the minutes of September 6, 2005.

**ADOPTION OF THE AGENDA**

The following items were added to the agenda:

- 5.A. Authorize Mayor and Finance Officer to sign a Lease at Meadowbrook and Executive Golf Courses with Sandy Thornburg and Ron Stevens dba Meadowbrook Grill & Pub
- 44.A. Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, streetlight conduit, water and sewer along Countryside Boulevard as it abut E1/2 W1/2 SW1/4 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota. (05SV057)
- 93.A. Appointment of Doug Andrews, Planning Commission member to Development Appeals Review Board (DARB)
- 93.B. Parks signage discussion, Aldermen Schumacher
- Executive Session to discuss contractual matters

Chapman moved, second by Olson and carried to adopt the agenda as amended.

**AWARDS AND RECOGNITIONS**

Mayor Shaw presented the Veteran of the Month for August, 2005 to Mary Ann Reed and LeRoy Fogle for September 2005 and recognized their efforts and dedication to the service of this country.

**GENERAL PUBLIC COMMENT**

Johnson moved, second by Hadcock and carried to table Ordinance Amendment to Chapter 5.12, Alcoholic Beverages as it relates to Special Malt Beverage and Wine Licenses for special events as requested by Michelle Lintz for the Chamber of Commerce and Convention and Visitors Bureau.

The Mayor recognized Jay Davis, 1123 Northeast Drive; Martin Spahn, 22801 Norris Peak Road; and James Kangas, 13736 47<sup>th</sup> Avenue West, all who spoke of the Horace Mann Swimming Pool and asked the City Council to continue the operation of the swimming pool. They offered support of extending the hours of operation and season to accommodate the working adult who enjoys lap swimming during the evening hours. They believed the swimming pool is a recreation asset to Rapid City.

### **PUBLIC HEARINGS**

The Mayor announced that the meeting was open for consideration of (No. PW071205-07rev) a Revised Resolution of Necessity for Sixth Street and Hillcrest Drive Water Main Extension Project No. W05-1521; whereupon Olson moved, second by Johnson and carried to refer this item to the October 3, 2005 Council meeting.

The Mayor announced that the meeting was open for consideration of (No. LF083105-21) the lease for the Meadowbrook and Executive Golf Courses to Sandy Thornburg and Ron Stevens dba Meadowbrook Grill & Pub, Pursuant to SDCL 9-12-5.2.; whereupon Kroeger moved, second by Okrepkie and carried to approve the lease.

Johnson moved, second by Okrepkie and carried to Authorize Mayor and Finance Officer to sign a Lease for the Meadowbrook and Executive Golf Courses with Sandy Thornburg and Ron Stevens dba Meadowbrook Grill & Pub.

The Mayor presented No. 05CA034, a request by Mark and Sandra Armstrong d/b/a Sand Mark II, LLC for an **Amendment to the Comprehensive Plan to change the future land use designation from Residential to Light Industrial** on Lot I of Tract A of Schlottman Addition, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2302 East Saint Andrew Street. The following resolution was introduced, read and Olson moved its adoption:

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

WHEREAS the Rapid City Planning Commission has reviewed the proposed amendment to the Comprehensive Plan and made a recommendation to the Rapid City Council; and

WHEREAS the Rapid City Council held a public hearing on the 19<sup>th</sup> day of September, 2005 at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed amendment to the Comprehensive Plan would revise the future land use designation from Residential to Light Industrial, on Lot I of Tract A of Schlottman Addition, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefore.

NOW THEREFORE, BE IT RESOLVED by the Rapid City Common Council that the Comprehensive Plan of the City of Rapid City be amended to change the future land use designation from Residential to Light Industrial on a Lot I of Tract A of Schlottman Addition, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 19<sup>th</sup> day of September, 2005.

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

THE CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Kroeger. The following voted AYE: Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman, and Kooiker; NO: None; whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 05FV009, a request by City of Rapid City for a **Fence Height Exception to allow a six foot high chain link fence within the required 25 foot front yard setback** on Lot 1a, Lakewood #1 and Lots 5 and 6, Jackson Park, all located in Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of Guest Road and Red Rock Canyon Road. Kroeger moved, second by Hadcock and carried to approve the Fence Height Exception.

The Mayor presented No. 05SV016, a request by Fisk Land Surveying & Consulting Engineers, Inc. for Craig Erickson for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Crystal Dome Subdivision and dedicated right-of-way located in the E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, located south of Long View Road along Radar Hill Road. Kroeger moved, second by Hadcock and carried to deny without prejudice, at the applicant's request.

The Mayor presented No. 05SV023, a request by Brent Pushing for a **Variance to the Subdivision Regulations to waive the requirement to pave and to reduce the surface width from 24 feet to 16 feet for Sunridge Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 4, Brentwood Subdivision, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as the S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4; SW1/4 SE1/4 SE1/4, all located in Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Sunridge Road. Kroeger moved, second by Hadcock and carried to deny without prejudice.

### **LEGAL & FINANCE COMMITTEE ITEMS**

The Mayor presented No. CC090605-04, approve \$233,500 from CIP Contingency Fund and \$35,000 from funds earmarked for irrigation projects to fund the City's portion to purchase bleachers; whereupon Chapman moved to approve. Second by Kroeger.

Substitute motion was made by Hadcock, second by Okrepkie to deny the \$233,500 from CIP Contingency Fund and \$35,000 from funds earmarked for irrigation projects to fund the City's portion to purchase bleachers. Alderman Kroeger reminded Council of the commitment to fund this purchase and spoke of the economic impact during the State track meet. He indicated the bleachers need to be purchased before May and asked Council to defeat the motion on the floor. Alderman Hadley suggested the bleachers should be purchased and recommended the use of the General Fund. He did not recommend the use of drainage funds because there are a number of drainage problems that need to be addressed. Mayor Shaw responding to a question from Alderman Hadley about partners in this purchase explained the City of Rapid City will purchase seven bleachers as will the Rapid City Area School District and the South Dakota School of Mines & Technology will purchase two bleachers for a total of sixteen bleachers. Each entity will own and store their own bleachers and work cooperatively in a shared use of the bleachers. Mayor Shaw reported the State track meet previously held in Rapid City was a big success, or so it was thought. Through the news media, it was reported that there were problems. Some of the bigger issues involved parking and seating. There was a threat of moving the State track meet to Sioux Falls permanently. He reported a meeting was held with Wayne Carney from the South Dakota High School Activities Association, (SDHSAA) to discuss the concerns. Shaw explained that from this meeting it was determined there was no need to construct permanent seating at O'Hara Stadium, but that portable bleachers could be used during the State track meet and many other events. Shaw indicated the High School Activities Association has agreed to host the track meet in Rapid City every three years. Shaw indicated the City agreed they would work very diligently to make the purchase happen but did not promise the City would have the bleachers. Alderman Johnson indicated the important consideration should be, "Does the City want to host these types of events?" He spoke of the number of participants in the State track meet and the number of spectators at this event, and the economic impact on the City. He reminded the Council of the City's commitment for the seating. He indicated he understood the entire Council agrees this is a good investment. He suggested that recent tragic events may increase the building material costs and the price of the bleachers could increase. Alderman Schumacher agreed the purchase of the bleachers is important, but that it may not be appropriate to take from drainage funds. Finance Officer Preston responding to a question from Alderman Schumacher reported the General Fund reserve is \$3.7 Million.

Second substitute motion was made by Schumacher to use the General Fund reserve for the bleacher purchase. Second by Hadley. Preston addressed the statement that the City is using drainage funds. The \$233,500 recommended by the CIP Committee is the CIP Contingency, which is a reserve fund. The CIP Contingency reserve is available for use for a host of projects that may include repairs to streets and drainage, parks, and City-owned buildings. The CIP Contingency is set aside for any project that may come up during the year that the City Council decides to reconstruct. Preston pointed out the CIP Contingency is not dedicated to drainage. He encouraged the Council not to take funds from the General Fund reserve. Preston indicated this equipment is eligible for Capital Improvements from 2012 or CIP.

Alderman Chapman indicated that as a last resort the General Fund reserve may be used but the better option is the use of the CIP Contingency, which he pointed out is not drainage funds.

Chapman also stressed the need to fulfill the City's commitment to purchase the bleachers. Chapman indicated he did not support using 2012 to reimburse CIP, as this is seen as circumventing the 2012 process. Alderman Okrepkie indicated he favored purchasing the bleachers, but opposed using the Capital Improvement fund, whether it is the CIP Contingency fund. He indicated 2012 funds should be used for this purchase. Preston responding to a question from Alderman Kooiker about the use of funds from the Civic Center, indicated this was a recommendation because the bleachers could be used in the Rushmore Hall; but funds that may have been available may be committed to a number of projects at the Civic Center. Preston indicated that fund balances are not available at this time. As liaison to the Civic Center Board, Alderman Johnson reported there are other priorities at the Civic Center.

Upon a roll call vote on the second substitute motion to use General Fund reserves, the following voted AYE: Schumacher, Hadley, Okrepkie, Hadcock, and Kooiker; NO: Olson, Johnson, Kroeger, Hurlbut, and Chapman. On a tie vote, the Chair declared the second substitute motion failed.

Alderman Chapman called the question, and there being no objection, a vote was taken.

Upon a roll call vote on the first substitute motion to deny the use of CIP funds, the following voted AYE: Hadley, Okrepkie, Hadcock, Kooiker, and Schumacher; NO: Olson, Johnson, Kroeger, Hurlbut, and Chapman. On a tie vote, the Chair declared the first substitute motion failed.

Alderman Kroeger called the question, and there being no objection, a vote was taken.

Upon a roll call vote on the original motion to approve the use of CIP funds, the following voted AYE: Olson, Johnson, Kroeger, Hurlbut, and Chapman; NO: Okrepkie, Hadcock, Kooiker, Schumacher, and Hadley. On a tie vote, the Chair declared the motion failed.

Johnson moved, second by Chapman to refer the bleacher purchase to the 2012 Committee for recommendation. Alderman Schumacher offered support the purchase of the bleachers, but disagreed that funding the purchase from CIP is appropriate or referring the purchase to 2012. Alderman Kooiker indicated the remaining option that may be viable would be the Civic Center funds. Kooiker asked that staff contact the Civic Center Manager to determine what funds are available for the use of purchasing the bleachers. Kooiker indicated, if Civic Center funds are not available, suggested the use of Council Contingency.

Substitute motion was made by Kooiker to continue this item to the end of the agenda for discussion to permit staff the opportunity to check the fund balance of Council Contingency and the Civic Center. Second by Schumacher. Alderman Johnson called the question, and there being no objection, a vote was taken. Upon a roll call vote on the substitute motion to continue to the end of the agenda, the following voted AYE: Okrepkie, Hadcock, Hurlbut, Kooiker, Schumacher, and Hadley; NO: Johnson, Kroeger, Chapman, and Olson. Motion carried on a 6 to 4 vote.

The Mayor presented (No. LF083105-01) the Patriot Act Resolution by Peace & Justice, and Democracy in Action; whereupon the following resolution was introduced, read and Chapman moved its adoption:

RESOLUTION

WHEREAS, the City of Rapid City has been presented with discussion regarding the constitutionality of various provisions of the USA Patriot Act; and

WHEREAS, the City of Rapid City recognizes the importance of maintaining the security of the nation and its citizens from acts of terror; and

WHEREAS, the City of Rapid City recognizes the importance of maintaining the rights of the people guaranteed by the United States Constitution and its amendments.

NOW, THEREFORE, BE IT RESOLVED that the City of Rapid City encourages the President of the United States and the United States Congress to continue to insure that the rights of the people guaranteed by the United States Constitution and its amendments are maintained to the fullest extent possible in all executive and legislative enactments.

Dated this 19<sup>th</sup> day of September, 2005.

THE CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

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

The motion for adoption of the foregoing Resolution was seconded by Johnson. Ruth Waddington, representing Democracy in Action addressed the Council pointing out this is Constitution Week, nationwide. The goal is to emphasize citizens' responsibilities to protect and defend the Constitution; inform the people that the Constitution is the basis for America's heritage and the foundation for the way of life. Waddington indicated they believe the Patriot Act was passed in haste to stop terrorism. She indicated that it infringes on the rights of individuals, and freedom and liberty as guaranteed by the Constitution and the Bill of Rights. Waddington asked for support of the resolution. Marvin Kammerer, representing Peace & Justice spoke of his encounters while visiting the Soviet Union in 1982. Kammerer suggested this nation must remain vigilant and alert to threats. He asked that law enforcement do its job. He indicated that enacting another act, repressing the freedoms that are enjoyed and a given right, is not going to do the job. Tom Diggins of Rapid City asked for support of the resolution. The following voted AYE: Johnson, Kroeger, Hadcock, Hurlbut, Chapman, Kooiker, Hadley, and Olson; NO: Schumacher and Okrepkie; whereupon said Resolution was declared duly passed and adopted.

Chapman moved, second by Hadcock and carried to (No. LF091405-13) approve an Access Easement from Southeast Connector to the end of Willowbend Road.

Chapman moved, second by Hadcock and carried to (No. LF091405-07) approve a shared parking agreement with McCarthy Properties, LLC as it relates to the Jackson Park Disc Golf Course.

**PUBLIC WORKS COMMITTEE ITEMS**

The next item for discussion is No. PW091305-12, clarification of appeals process of the 11-6-19 review of the Adams Street Correctional Facility. Olson moved, second by Johnson to approve. Alderman Hadley questioned whether it would be appropriate for the City Council to adopt a resolution of nonsupport of the Pennington County Work Release Facility, located on Adams Street, being converted to the Pennington County Correctional Facility. Hadley suggested, if a resolution of nonsupport were adopted, the resolution should be forwarded to the Planning Commission. Hadley recounted past discussions about the City disapproving the work release facility, and discussions with Pennington County and the assurance of Pennington County officials that this facility would only be a work release facility. He suggested Pennington County perjured themselves with their intent to convert the work release facility. City Attorney Green indicated, that if so directed, a resolution could be drafted for review and adoption at the next Legal & Finance Committee meeting; or the City Council could pass a resolution without having a written document, expressing their disapproval. Green suggested City staff could carry the message forward to the Planning Commission, of the City Council's disapproval of the facility conversion.

Substitute motion was made by Hadley that the Council would like to send a message to the Planning Commission, by resolution, that the City Council does not support converting this facility into a prison of any type. Second by Okrepkie. Responding to a question from Mayor Shaw, Hadley indicated the resolution should be forwarded to the Pennington County Planning Commission as well as the Rapid City Planning Commission. In response to a question from Alderman Olson, Hadley indicated he does not agree with the current use of the Adam Street facility. He pointed out the Planning Commission voted against the current use and the City Council unanimously voted against the current use; but the County Commission took precedence over the City Planning Commission and City Council. He explained the City sued the County, but lost in the Supreme Court. Growth Management Director Elkins indicated that should the Planning Commission deny the request on September 20, 2005 the Council should consider the motion to direct that resolution to the County Commission because at that point, the County Commission does have the right to consider overriding the Planning Commission. Alderman Schumacher indicated he believed it is important the City Council be on record opposing this because there is a misconception that the City Council has authority in this matter. Growth Management Director Elkins responding to a question from Alderman Kooiker explained there is a sixty day timeframe in State statute that the City Planning Commission would have additional opportunity to continue the item and consider it at a subsequent meeting of the Planning Commission. Alderman Kooiker indicated that it would be appropriate to ask the Planning Commission, because of the gravity of the decision, to only take testimony at the September 20<sup>th</sup> meeting, close the hearing, and reconvene at a later date; which would give the City Council more opportunity to have discussions with Pennington County regarding their intent to convert the work release facility. Alderman Johnson indicated he believed the Council, as a whole, is saying they do not believe this facility should be located in a residential area; and should have that opportunity to make that case to the County. Johnson indicated it was clear, when this matter came to the Council, it was unanimous the Council did not want to open this up to a work release facility. He suggested it is unfortunate the County representatives came before the City Council and said they would not expand the use; and with an existing 11-6-19 Review, went outside the boundary of what they were allow to do without additional approval. Johnson commented that if this facility were proposed in Sheriff Holloway's neighborhood, it would not be there; and indicated that it is certainly unfair that North Rapid City is not considered to be as important part of the community as others. Jim Albers, 829 Farlow indicated he owns property adjacent to the facility. Albers asked for support of the neighborhood in opposing the Adams

Street facility. He reported an incident of an inmate escaping from this facility early in the year. He explained the inmate was not a work release prisoner, but an inmate placed there by the Sheriff because there was no room at the jail. Alderman Schumacher reported during he last State legislative session former City Alderman, Alan Hanks had a bill that went forward, that was voted down, that would have allowed the City Council or a governing body to overrule an outside body, which is the County Commission. He pointed out there were local legislators that opposed the legislation.

Upon a vote being taken on the substitute motion to approve a resolution, motion carried unanimously.

Kooiker moved to request the City Attorney and Growth Management to let the Planning Commission know of the Council's wishes, that they take public testimony and continue the hearing until a further date to allow discussions between the City and the County to continue. Second by Schumacher. Motion carried.

Olson moved, second by Kroeger to (No. PW091305-07) authorize Mayor and Finance Officer to sign a Professional Services Agreement with HKM Engineering, Inc. for design services for the Elm Avenue Watermain Rehabilitation Project No. W05-1517, for an amount not to exceed \$98,340.00. Public Works Director Jablonski outlined the scope of the contract as field work, training, documentation, project coordination and administration. He explained that the cathodic protection is to be restored on the Elm Avenue watermain and City crews will be trained to perform future maintenance on the cathodic protection. The documentation includes design criteria, specifications, operation and maintenance manuals, and records. Alderman Kroeger indicated his concern about requiring developers to install this cathodic protection when the City is uncertain about the maintenance of this protection. Upon a vote taken to approve, motion carried.

Olson moved, second by Hadcock and carried to (No. PW091305-08) authorize Mayor and Finance Officer to sign Amendment No. 1 to a Professional Services Agreement with TSP Three, Inc. for construction services for the Chapel Lane Bridge Widening Project No. ST04-1359 / CIP #50016, for an amount not to exceed \$22,933.50.

The Mayor recessed the Council proceedings at 8:58 P.M., and reconvened at 9:10 P.M. with all members present.

## **ORDINANCES & RESOLUTIONS**

**Ordinance No. 5087** (No. LF083105-16) regarding 2006 Appropriation having passed the first reading on September 6, 2005, it was moved by Chapman, seconded by Olson that the title be read the second time. Finance Officer Preston reviewed the changes proposed by the Legal & Finance Committee, which include \$4,256 from the General Fund reserve for services from the Energy Plant to the ice arena; \$30,000 from the Meadowbrook Development Fund for equipment; and \$15,000 from the Executive Development Fund for capital outlay. At the request of the Legal & Finance Committee, Preston explained staff reviewed the fuel costs and projected costs for next year and recommended an additional \$112,545 from the General Fund reserve for the projected increased gasoline costs. Preston indicated the increased gasoline costs are for the departments of fire, police, parks and the Rapid Transit System.

Amendment was offered by Johnson to include the fuel costs of \$148,650 additional in expenditures, and revenue of \$36,105 from a federal grant to operate the Rapid Transit System, for a net utilization of \$112,545. Second by Hadcock. Upon a vote being taken on the amendment, motion carried.

Amendment was offered by Schumacher and seconded, to remove the City funding of the Detox for the County and put into a supplemental to be given consideration after the County's action on the 11-6-19 Review. Alderman Hadcock urged the Council to defeat this motion as this is a separate issue of the 11-6-19 Review; and pointed out the extreme need for the services of the Detox program. Alderman Johnson pointed out that in the spirit of cooperation, the City participates and voluntarily funds the Detox program, but that it is a function Pennington County is mandated to provide by law. In regards to the 11-6-19 Review, Johnson indicated Pennington County can override Rapid City, because by law they can and choose to do so; and Rapid City can remove funding of the Detox program because they can. The City Council should support the Detox program because there is a need for the program; but the question is who should pay for the program. While funding of the program may be considered at a later time, Johnson believed it made good sense to send a message to Pennington County that just because you can, does not mean you should. Johnson indicated he looks forward to visiting with the County about what makes good sense for the City of Rapid City and County of Pennington County. City Attorney Green responding to a question from Alderman Kroeger about the Detox program accepting individuals delivered to the Detox Center by the Rapid City Police Department indicated it is the obligation of Pennington County to provide for treatment and housing of people that are intoxicated to the point where they are a danger to themselves or others. Pennington County can do that either through housing them at the jail, a detox facility, or at a hospital. Dr. Talley, Chief of Staff of the Rapid City Police Department indicated less funding equates to less beds for people with detox problems. He indicated, in the past when there were fewer beds, police officers literally drove around with drunks in the back seats of the squad cars for three or four hours trying to find relatives who would take these people in and care for them; or the police officers did not deal with the problem at all and the people were left where they were found, and when left they create problems for people in the community. Alderman Olson believed it inappropriate and not fulfilling a commitment to the community to expand the Adam Street facility for the purpose of housing additional prisoners; and indicated she recognized there is a feeling within the City Council to pressure the Pennington County Commissioners, but withholding funds for the Detox program is not in the best interest of the County and certainly does nothing to help in solving problems of those on the street that are intoxicated. Alderman Chapman agreed the Council should send a strong message to Pennington County; and pointed out that leadership, in part, is about stepping up to the plate and showing the way in modeling what it is we want to happen. He indicated he did not agree with the game being played and urged the Council to defeat the motion. Alderman Kooiker indicated he admired the motion and its intentions; however, if we reach January and the County played the game of chicken and won the game and proceeded with their facility in North Rapid and we are faced with having the police cars performing the functions the Detox facility would have performed, then there is no choice but to support a supplemental appropriate to reinstate the Detox funding. Kooiker also indicated he admired the concerns, but hoped the intent was sent that the City Council would like to see a constructive, productive dialogue with Pennington County. He noted the Adam Street facility proposal was brought up the last minute before the County Commission and they proceeded on a 4 to 1 vote to forward the proposal to the Planning Commission. Alderman Hadley indicted he supported the motion because it sends a message. He suggested the Detox program is no less important than the Adam Street facility and the 11-6-19 Review. Hadley

pointed out that housing prisoners is a money maker. He reported attending a Town Hall meeting where the Adam Street facility was discussed. Hadley reported that a Mr. Bramley stated they wanted to take a facility that currently holds sixty work release inmates and expand that facility to hold 106 prisoners; and that the new jail, slated for completion in the fall, will hold another 110 prisoners. Hadley indicated he questioned the size of the new jail facility and was told one floor of the new jail facility will house this many prisoners. Hadley indicated two more floors are being built in the new jail facility. Hadley suggested the Adam Street facility expansion will mean more revenue, but did not think the County should do it on the backs of Rapid City, especially the people of North Rapid. Alderman Okrepkie suggested there are two separate issues for consideration and one is for another discussion. Okrepkie offered support to continue funding of the Detox program. Finance Officer Preston explained that \$377,800 will be deducted for Services to Persons and Property under the Health portion of the appropriation. Alderman Johnson suggested the funding of the Detox program should be reduced by the amount of revenue Pennington County receives for housing prisoners being transported to Rapid City from other government entities. Upon a roll call vote on the amendment to remove the City funding of the Detox for the County, the following voted AYE: Hurlbut, Schumacher, Hadley, and Johnson: NO: Kroeger, Hadcock, Chapman, Kooiker, Olson, and Okrepkie. Amendment failed.

Amendment was offered by Hurlbut, with regard to funding Horace Mann Pool, to reinstate the cost to extend the operating season, and add some figure to allow for additional signage to promote the location of the pool; and proposed adding \$36,000 which would allow \$2,400 for additional signage; in addition, to allow the pool to be opened the same hours as the other pools and to provide an outdoor lap swimming opportunity for the adults who use the pool. Second by Chapman. Parks and Recreation Director Cole reported directional signs are already ordered for the streets, and the park sign is being designed and should be in place by spring before opening the pool.

Hurlbut restated the amendment to fund the Horace Mann Pool in the amount of \$33,605.

Cole responding to a question from Alderman Chapman, reported the Horace Mann Pool is available for lap swimming Monday through Thursday, 5:30 P.M. to 7:00 P.M. Cole explained the City has programmed swimming lessons during this same time, but lap swimmers can use the lap lanes. Cole pointed out this information is available in a brochure acquainting the public on the recreation facilities and programs available through the City's recreation department. Cole updated the Council on efforts to reduce the wear and tear on pool equipment at Horace Mann. He reported heaters will be replaced because the pool will open two weeks earlier, during a time when the weather may still be cold. Cole also explained that with only five full-time maintenance personnel in the recreation and aquatic division, maintenance operations and the opening and closing of recreation facilities becomes a scheduling issue. While temporary, seasonal staff is hired, Cole explained it takes a while for those individuals to get up to speed. He reported the five full-time maintenance personnel will work 12 to 15 hour days, 7 days per week during May preparing for the opening of all the City's recreation facilities. Cole responding to a question from Alderman Kroeger about the closing of the pools, explained pools close a week before school begins. Cole indicated that mid-August life guards begin returning to school, which means the human resources during this time is limited and the department must determine which pools will remain operational to the end of the season. Todd Schweiger, 1745 Mesa Drive spoke of the enjoyment a person experiences using the Horace Mann pool during the late afternoon hours. Preston reminded the Council the General Fund reserve will be

reduced \$33,605 to fund the extended hours of operation of the Horace Mann pool. Upon a vote being taken on the amendment to fund the Horace Mann Pool, motion carried.

Alderman Kooiker briefly addressed a point of concern for him, which is the property tax. He believed it would have been appropriate to have had a separate debate and have amendments in order to raise taxes. He referred to the amount for the CPI, which is the amount the State allows the City to take. He indicated the City takes the maximum every year without discussion. He believed it was only fair to the people they represent that they at least be open and upfront about the fact that this budget includes a property tax increase.

Upon a vote being taken on Ordinance 5087, regarding the 2006 Appropriation as amended, the following voted AYE: Hadcock, Hurlbut, Chapman, Hadley, Olson, Okrepkie, Johnson, and Kroeger; NO: Kooiker and Schumacher; whereupon the Mayor declared the motion passed and Ordinance 5087 was declared duly passed upon its second reading.

**Ordinance No. 5088** (No. LF083105-17), to Amend the Retail Occupational Sales and Service Tax Imposed Rates by Amending Section 3.16.010 of the Rapid City Municipal Code and to Declare an Emergency having passed first reading on September 6, 2005, it was moved by Chapman, second by Hadcock that the title be read the second time. The following voted AYE: Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and Ordinance 5088 was declared duly passed upon its second reading.

**Ordinance No. 5089** (No. LF083105-10), amending Chapter 8.40 of the Rapid City Municipal Code Pertaining to Emission Standards by Amending Section 8.40.010 and Adding Section 8.40.020 having passed first reading on September 6, 2005, it was moved by Chapman, second by Hadcock that the title be read the second time. The following voted AYE: Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and Ordinance 5089 was declared duly passed upon its second reading.

**Ordinance No. 5090** (No. LF083105-11), amending Section 8.34.030 of the Rapid City Municipal Code Pertaining to Definitions having passed first reading on September 6, 2005, it was moved by Chapman, second by Olson that the title be read the second time. The following voted AYE: Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and Ordinance 5090 was declared duly passed upon its second reading.

**Ordinance No. 5091** (No. LF083105-12), amending Section 8.38.040 of the Rapid City Municipal Code Pertaining to Exempt Activities having passed first reading on September 6, 2005, it was moved by Chapman, second by Olson that the title be read the second time. The following voted AYE: Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and Ordinance 5091 was declared duly passed upon its second reading.

**Ordinance No. 5094** (No. 05RZ052), a request by Thomas L. Collins for a **Rezoning from Medium Density Residential District to Office Commercial District** on the south 237 feet of Lot 5, Harter Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2326 Canyon Lake Drive was introduced. Upon a motion made by Chapman moved,

second by Hadcock and carried, Ordinance 5094 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, October 3, 2005 at 7:00 P.M.

The Mayor announced the meeting was open for hearing on No. 05RZ050, second reading of **Ordinance No. 5092**, a request by Mark and Sandra Armstrong d/b/a Sand Mark II, LLC for a **Rezoning from General Commercial District to Light Industrial District** on Lot I of Tract A of Schlottman Addition, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2302 East Saint Andrew Street. Notice of hearing was published in the Rapid City Journal on September 10, 2005 and September 17, 2005. Ordinance 5092 having had the first reading on September 6, 2005, it was moved by Chapman, second by Hadcock that the title be read the second time. The following voted AYE: Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 5092 the second time.

The Mayor announced the meeting was open for hearing on No. 05RZ051, second reading of **Ordinance No. 5093**, a request by City of Rapid City for a **Rezoning from Park Forest District to Office Commercial District** on property described by metes and bounds beginning 1819.80 feet at a bearing S89°27'23"E from the SW corner of the NW1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, this is the point of beginning. Thence travel 466.23 feet at a bearing N45°19'1"E, Thence travel 210.28 feet at a bearing N54°45'23"E, Thence travel 48.86 feet at a bearing S15°57'26"W, Thence travel 406.85 feet at a bearing S0°46'13"W, Thence travel 484.35 feet at a bearing N89°27'22"W to the point of beginning, located adjacent to the west side of U.S. Highway 16 and north of Tower Road. Notice of hearing was published in the Rapid City Journal on September 10, 2005 and September 17, 2005. Ordinance 5093 having had the first reading on September 6, 2005, it was moved by Chapman, second by Hadcock that the title be read the second time. The following voted AYE: Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 5093 the second time.

### **CONTINUED ITEMS CONSENT CALENDAR** – Items 25-49

The following items were removed from the Continued Consent Calendar:

26. No. 05FV003 - A request by Jon Dicks for a **Fence Height Exception to allow a six foot four inch high fence within the required 25 foot front yard setback** on Lot A of Lot 14 and the south 20 feet of Lot C of Lot 14, Acre Tract, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 430 South Canyon Road.
32. No. 05PL123 - A request by Kadrmas for Pine Crest Village Ltd. Ptnshp. for a **Preliminary Plat** on Lot 2, Block 1, Pine Crest Village Addition located in the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land lying in the SW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, described more particularly as follows: commencing at the southeast corner of Lot 12, Block 6, of the plat of Lots 1 and 2 of Block 5, and Lot 12 of Block 6, Auburn Hills Subdivision; thence from said corner of S00°06'59"W for 100.20 feet to the point of beginning; thence from said point of beginning S86°46'09"E for 310.31 feet; thence S00°11'06"W for 285.66 feet; thence

S89°53'47"W for 310.03 feet; thence N00°12'53"E for 303.71 feet to the point of beginning, said tract contains 2.097 acres, and, a tract of land lying in the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: commencing at the southeast corner of Lot 12, Block 6, of the plat of Lots 1 and 2 of Block 5, and Lot 12 of Block 6, Auburn Hills Subdivision which is the point of beginning; thence from said point of beginning S00°06'59"W for 100.20 feet; thence S00°12'53"W for 303.71 feet; thence S00°17'45"W for 263.17 feet; thence S89°57'16"W for 311.95 feet; thence N00°11'03"E for 300.82 feet; thence along a curve to the right with a delta angle of 40°01'24", a radius of 174.00 feet and an arc length of 121.55 feet; thence N 40°12'27"E for 137.94 feet; thence along a curve to the left with a delta angle of 40°01'48", a radius of 226.00 feet and an arc length of 157.90 feet; thence N00°10'4"E for 3.16 feet; thence N89°41'05"E for 130.11 feet to the point of beginning, said tract contains 3.975 acres, located at the southern terminus of Chalkstone Drive.

43. No. 05SV056 - A request by Centerline for DJS Holdings, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1A and 1B of Lot M, Burson Subdivision, located in the E1/2, Section 19, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Lot M, Burson Subdivision, located in the E1/2, Section 19, T1N, R8E, BHM, Pennington County, South Dakota, located at 3788 East Highway 44.
- 43.A. Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, and sewer along School Drive and to waive the requirement to install curb, gutter, sidewalk and street light conduit along S.D. Highway 44 as they abut Lot 1 of Lot M. Burson Subdivision, located in the E1/2, Section 19, T1N, R8E, BHM, Pennington County, South Dakota. (05SV056)
44. No. 05SV057 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the installation of curb, gutter, sidewalk, streetlight conduit, water and sewer at Countryside Boulevard and to waive the installation of curb, gutter, sidewalk, streetlight conduit, sewer and pavement along the common access easement and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts A, B and C, Falcon Crest Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as the E1/2 W1/2 SW1/4 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, located at the southern terminus of Countryside Boulevard.
- 44.A. Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, streetlight conduit, water and sewer along Countryside Boulevard as it abut E1/2 W1/2 SW1/4 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota. (05SV057)
- 46.A. Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of sidewalk along Crocus Lane and Iris Boulevard as they abut Lot 1, Block 8, Canyon Lake Heights Subdivision, located in the SE1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. (05SV059)

- 46.B. No. 05SV059 - A request by FMG, Inc. for Timothy Van Liere to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct sidewalks on Crocus Lane and Iris Boulevard** on Lot A, Lot 1; Lot B, Lot 1; Block 8, Canyon Lake Heights Subdivision, located in the SE1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Block 8, Canyon Lake Heights Subdivision, located in the SE1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3104 Iris Drive.

Kroeger moved, second by Olson and carried to continue the following items as indicated.

Continue the following items until October 3, 2005:

25. No. 05CA019 - A request by Marty Jacob for MJB Company, Inc. for an **Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a 1.58 acre parcel of land from Medium Density Residential to Light Industrial** on Lots 1 thru 8 inclusive and Lots 21 thru 28 inclusive in Block 7 and Lots 1 thru 7 inclusive in Block 12; all located in Northside Addition, NW1/4 Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 826 East Monroe Street.
27. No. 05FV008 - A request by Wendel Pptratz of ProGroup, Inc. for Jim Keohler of JPK Hospitality for a **Fence Height Exception to allow a six foot high fence 266 feet long to be placed on the property line between Interstate 90 and the subject property** on Tract D, Marshall Heights Subdivision No. 2, located in SW1/4 of NE1/4; SE1/4 of NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 625 East Disk Drive.
28. No. 05PL016 - A request by Ron Blum for Montana-Dakota Utilities Co. for a **Preliminary Plat** on Lot 1, MDU Regulator #83, located in the N1/2 Government Lot 4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 of GL3 and the N1/2 GL4 less Lots H1 & H2, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of the intersection of East Anamosa Street and Elk Vale Road on the east side of Elk Vale Road.
29. No. 05PL072 - A request by Renner and Associates for Pete Lien and Sons for a **Preliminary Plat** on Lien Tract and Lot AR, Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., legally described as Lot A, B, and C of Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., located at the old Dog Track on North Highway 79.
30. No. 05PL090 - A request by Sperlich Consulting, Inc. for Doeck, L.L.C. for a **Preliminary Plat** on Lots 1 through 8 and Lots 24 through 61 of Block 1, and Lots 1 through 10 of Block 2, Brookfield Subdivision, located in the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to West Nike Road.

31. No. 05PL122 - A request by D.C. Scott Co. Land Surveyors for West River Electric for a **Preliminary Plat** on Lot AR, Tract 1, Paul Subdivision; Lot WR located in the NE1/4 NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot A, Tract 1, Paul Subdivision; Lot W located in the NE1/4 NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota, located at 3575 Reservoir Road 3383 Reservoir Road.
33. No. 05PL135 - A request by Dream Design International for a **Preliminary Plat** on Lots 1 through 6, Block 19; Lots 1 through 6, Block 20; Lots 1 through 39, Block 21; Lots 1 through 8, Block 22 and dedicated public right-of-way, located in the NE1/4 SE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NE1/4 N1/2 SE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of Muirfield Drive and Dunsmore Road.
34. No. 05PL154 - A request by FMG, Inc. for Timothy Van Liere for a **Preliminary Plat** on Lot A, Lot 1; Lot B, Lot 1, Block 8, Canyon Lake Heights Subdivision, located in the SE1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Block 8, Canyon Lake Heights Subdivision, located in the SE1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3104 Iris Drive.
35. No. 05PL155 - A request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Preliminary Plat** on Lots 4, 5 and 7 through 20, Block 1; Lots 1 through 13, Block 2; Lots 2 through 9, Block 3; located in the N1/2 NW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of Government Lot 1, located in the N1/2 NW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of the intersection of East Catron Boulevard and Fifth Street.
36. No. 05PL156 - A request by Kadrmass, Lee and Jackson for Edgewood Estates, Ltd. Partnership for a **Preliminary Plat** on Lot 1, Block 1, Edgewood Estates Addition, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land lying in the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; more particularly described as follows: commencing at the southeast corner of Lot 1, Block 5, of the plat of Auburn Hills Subdivision; which is the point of beginning, Thence S00°10'40"W for 3.16 feet; Thence along a curve to the right with a delta angle of 40°01'48", a radius of 174.00 feet and an arc length of 121.57 feet; Thence S40°12'27"W for 137.94 feet; Thence along a curve to the left with a delta angle of 40°01'24", a radius of 226.00 feet and an arc length of 157.87 feet; Thence S00°11'12"W for 301.03 feet; Thence S89°57'18"W for 453.00 feet; Thence N00°11'33"E for 525.90 feet; Thence S90°00'00"W for 92.67 feet; Thence N00°17'45"E for 137.35 feet; Thence N89°43'49"E for 727.74 feet to said point of beginning. Said tract contains 345,863 square feet or 7.94 acres., located at 4500 Chalkstone Drive.
37. No. 05PL157 - A request by Britton Engineering & Land Surveying for Prairiefire Investments, LLC for a **Preliminary Plat** on Lots 1 and 2, Block 4, Prairiefire Subdivision, located in NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 NE1/4, less the Eisenbraun

Subdivision, Winton Subdivision and less the E54.4' for Anderson Road Right-of-Way, all located in the NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the western terminus of Mondo Street.

38. No. 05RZ029 - A request by Marty Jacob for MJB Company, Inc. for a **Rezoning from Medium Density Residential District to Light Industrial District** on Lots 1 thru 8 inclusive and Lots 21 thru 28 inclusive in Block 7 and Lots 1 thru 7 inclusive in Block 12; all located in Northside Addition, NW1/4 Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 826 East Monroe Street.
39. No. 05SV027 - A request by Renner & Associates for Pete Lien and Sons for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on the Lien Tract and Lot AR, Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., legally described as Lot A, B, and C of Keller Subdivision, located in the S1/2 of SE1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., located at the old Dog Track on North Highway 79.
40. No. 05SV033 - A request by Sperlich Consulting, Inc. for Doeck, LLC for a **Variance to the Subdivision regulations to allow a lot twice as long as it is wide and to waive the requirement to install sidewalk and street light conduit along Cobalt Drive and to waive the requirement to install street light conduit on Adonia Lane, Wisteria Court and Three Rivers Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 8 and Lots 24 through 61 of Block 1, and Lots 1 through 10 of Block 2, Brookfield Subdivision, located in the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to West Nike Road.
41. No. 05SV047 - A request by D.C. Scott Co. Land Surveyors for West River Electric for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot AR, Tract 1, Paul Subdivision; Lot WR located in the NE1/4 NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot A, Tract 1, Paul Subdivision; Lot W located in the NE1/4 NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota, located at 3383 and 3575 Reservoir Road.
42. No. 05SV049 - A request by Alliance of Architects for Leon Brodie for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide and to waive the requirement to install gutter, street light conduit, sidewalk on both sides of the street, sewer, water and reduce pavement width along Baron Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 12, Well Lot and dedicated Baron Street Right-of-Way, Kostelecky Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 6, Tract A, Knight's Acres Subdivision, located in the N1/2 SE1/4 NE1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located at 3725 Anderson Road.

45. No. 05SV058 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sidewalk along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1, Shipman Heights Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of NE1/4 NW1/4 NW1/4, lying east of Highway 16; W1/2 NW1/4 NE1/4 NW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of the intersection of U.S. Highway 16 and Tucker Street.
46. No. 05SV060 - A request by Britton Engineering & Land Surveying for Prairiefire Investments, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter, sidewalk, streetlight conduit; and dedicate additional right-of-way; and allow platting one half of a right-of-way** on Lots 1 and 2, Block 4, Prairiefire Subdivision, located in NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 NE1/4, less the Eisenbraun Subdivision, Winton Subdivision and less the E54.4' for Anderson Road Right-of-Way, all located in the NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the western terminus of Mondo Street.

Continue the following items until October 17, 2005:

47. No. 05CA018 - A request by City of Rapid City for an **Amendment to the Comprehensive Plan amending the Major Street Plan by eliminating and realigning several collector and arterial roads** all located in Sections 23, 24, 25, 26, 34, 35 and 36 in T1N, R7E, BHM, Pennington County, South Dakota, and Sections 19, 29, 30, 31 and 32, T1N, R8E, BHM, Pennington County, South Dakota, and Sections 1, 2, 3, 11 and 12, T1S, R7E, BHM, Pennington County, South Dakota, and Sections 5, 6, 7, 8, 17 and 18, T1S, R8E, BHM, Pennington County, South Dakota, located south of Minnesota Street, north of Spring Creek Road, east of US Highway 16 and west of SD Highway 79.

Continue the following items until November 7, 2005:

48. No. 05PL041 - A request by D.C. Scott Co. Land Surveyors for Wayne Householder for a **Preliminary Plat** on Lot AR of Gravatt Subdivision, dedicated Anderson Road right-of-way and dedicated Dunn Road right-of-way and vacated 33' right-of-way located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot A of Gravatt Subdivision located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Anderson Road and Dunn Road.
49. No. 05SV021 - A request by D.C. Scott Co. Land Surveyors for Wayne Householder for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot AR of Gravatt Subdivision, dedicated Anderson Road right-of-way and dedicated Dunn Road right-of-way and vacated 33' right-of-way located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot A of Gravatt Subdivision located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Anderson Road and Dunn Road.

## End of Continued Items Consent Calendar

Chapman moved, second by Hurlbut and carried to table (No. 05FV003), a request by Jon Dicks for a **Fence Height Exception to allow a six foot four inch high fence within the required 25 foot front yard setback** on Lot A of Lot 14 and the south 20 feet of Lot C of Lot 14, Acre Tract, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 430 South Canyon Road. Upon a request from Growth Management Director Elkins, Johnson moved, second by Chapman to reconsider. City Attorney Green advised the motion was out of order. Hadley moved, second by Hurlbut to take the item off the table. Motion carried. Olson moved, second by Chapman and carried to deny the Fence Height Exception.

The Mayor presented No. 05PL123, a request by Kadrmas for Pine Crest Village Ltd. Ptnshp. for a **Preliminary Plat** on Lot 2, Block 1, Pine Crest Village Addition located in the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land lying in the SW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, described more particularly as follows: commencing at the southeast corner of Lot 12, Block 6, of the plat of Lots 1 and 2 of Block 5, and Lot 12 of Block 6, Auburn Hills Subdivision; thence from said corner of S00°06'59"W for 100.20 feet to the point of beginning; thence from said point of beginning S86°46'09"E for 310.31 feet; thence S00°11'06"W for 285.66 feet; thence S89°53'47"W for 310.03 feet; thence N00°12'53"E for 303.71 feet to the point of beginning, said tract contains 2.097 acres, and, a tract of land lying in the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: commencing at the southeast corner of Lot 12, Block 6, of the plat of Lots 1 and 2 of Block 5, and Lot 12 of Block 6, Auburn Hills Subdivision which is the point of beginning; thence from said point of beginning S00°06'59"W for 100.20 feet; thence S00°12'53"W for 303.71 feet; thence S00°17'45"W for 263.17 feet; thence S89°57'16"W for 311.95 feet; thence N00°11'03"E for 300.82 feet; thence along a curve to the right with a delta angle of 40°01'24", a radius of 174.00 feet and an arc length of 121.55 feet; thence N 40°12'27"E for 137.94 feet; thence along a curve to the left with a delta angle of 40°01'48", a radius of 226.00 feet and an arc length of 157.90 feet; thence N00°10'4"E for 3.16 feet; thence N89°41'05"E for 130.11 feet to the point of beginning, said tract contains 3.975 acres, located at the southern terminus of Chalkstone Drive. Olson moved, second by Hadcock and carried to approve the Preliminary Plat with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, all 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 Growth Management Department; 2. Prior to Preliminary Plat approval by the City Council, additional water information shall be submitted for review and approval demonstrating that sufficient domestic and fire flows are being provided during peak day use conditions; 3. Prior to Preliminary Plat approval by the City Council, additional grading and drainage information shall be submitted for review and approval. In particular, the drainage plan shall include calculations demonstrating that discharge from any regional facilities will result in net drainage basin run-off not exceeding pre-development flow rates or local detention facilities shall be provided. In addition, the plat document must be revised to provide drainage easements as needed; 4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 5. Prior to submittal of a Final Plat application, the plat title shall be revised to eliminate "Subdivision" and to add "a portion of the SW1/4 SW1/4, Section 13, T2N, R7E" 6. Prior to submittal of a Final Plat application, the plat document shall be revised removing the existing structure locations and landscaping from the

plat document; and, 7. Upon submittal of the 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. 05SV056, a request by Centerline for DJS Holdings, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1A and 1B of Lot M, Burson Subdivision, located in the E1/2, Section 19, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Lot M, Burson Subdivision, located in the E1/2, Section 19, T1N, R8E, BHM, Pennington County, South Dakota, located at 3788 East Highway 44. Chapman moved, second by Hadcock and carried to approve the Variance with the following stipulations: The Variance to the Subdivision Regulations to waive the requirement to install water and sewer along S.D. Highway 44 be tabled; the Variance to the Subdivision Regulations to waive the requirement to install water along School Drive be tabled; and, the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer along School Drive and to waive the requirement to install curb, gutter, sidewalk and street light conduit along S.D. Highway 44 be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

Hadcock moved, second by Olson and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, and sewer along School Drive and to waive the requirement to install curb, gutter, sidewalk and street light conduit along S.D. Highway 44 as they abut Lot 1 of Lot M. Burson Subdivision, located in the E1/2, Section 19, T1N, R8E, BHM, Pennington County, South Dakota. (05SV056)

The Mayor presented No. 05SV057, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the installation of curb, gutter, sidewalk, streetlight conduit, water and sewer at Countryside Boulevard and to waive the installation of curb, gutter, sidewalk, streetlight conduit, sewer and pavement along the common access easement and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts A, B and C, Falcon Crest Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as the E1/2 W1/2 SW1/4 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, located at the southern terminus of Countryside Boulevard. Olson moved, second by Okrepkie and carried to approve the Variance with the following stipulations: The Variance to the Subdivision Regulations to waive the installation of sidewalk along Countryside Boulevard and the access easement be tabled; That the Variance to the Subdivision Regulations to allow a lot twice as long as wide be tabled; That the Variance to the Subdivision Regulations to waive the installation of curb, gutter, street light conduit, water and sewer along the access easement(s) be approved; That the Variance to the Subdivision Regulations to waive the installation of street light conduit, water and sewer along Countryside Boulevard be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements. That the Variance to the Subdivision Regulations to waive the requirement to install streetlight conduit, water, installation of curb and gutter along Countryside Boulevard be approved with the applicant sign a waiver of right to protest any future assessments. That the Variance to the Subdivision Regulations to waive the requirement to pave the access easement(s) with a minimum 20 foot wide paved surface be denied.

Olson moved, second by Okrepkie and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, streetlight conduit, water and sewer along Countryside Boulevard as it abut E1/2 W1/2 SW1/4 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota. (05SV057)

Kroeger moved, second by Olson and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of sidewalk along Crocus Lane and Iris Boulevard as they abut Lot 1, Block 8, Canyon Lake Heights Subdivision, located in the SE1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. (05SV059)

The Mayor presented No. 05SV059, a request by FMG, Inc. for Timothy Van Liere to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct sidewalks on Crocus Lane and Iris Boulevard** on Lot A, Lot 1; Lot B, Lot 1; Block 8, Canyon Lake Heights Subdivision, located in the SE1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Block 8, Canyon Lake Heights Subdivision, located in the SE1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3104 Iris Drive. Kroeger moved, second by Olson and carried with Alderman Chapman voting NO to approve the Variance with the following stipulations: The Variance to the Subdivision Regulations to waive the requirement to construct sidewalks on both sides of Crocus Lane and Iris Boulevard be approved with the following stipulations: 1. That prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement.

### **CONSENT CALENDAR ITEMS** – 50-84

The following items were removed from the Consent Calendar:

51. Acknowledge report on the sewer line in the 500 Block of East Monroe Street
53. No. PW091305-02 Approve Informal Quote for Saint Patrick Street and Saint Joseph Street Intersection Emergency Repairs; Project No. ST05-1527 to Simon Contractors of South Dakota, Incorporated in the amount of \$58,067.15.
62. No. 05VE017 Deny a **Vacation of Non-access Easement** for petitioner Greg Wierenga, CETEC Engineering Services, Inc. for Pam Murray on Lot 6, Block 2, Skyline Drive Subdivision, SW1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1525 Pevans Parkway.
65. Approve a 30-day stay on the demolition of 1029 East St. Francis Street.
70. No. LF091405-12 Request the City Attorney's office to prepare an ordinance amendment allowing for Planning Commission alternates.
75. Approve charging \$15 for reproduction of audio recordings of meetings.

Schumacher moved, second by Olson and carried to approve the following items as they appear on the consent calendar.

**Set for Hearing (October 17, 2005)**

50. No. 05VR011 - A request by E. Dallas Wasserburger for Mountain Shadows Townhome Owners Association, Inc. for a **Vacation of Right-of-Way** on a portion of the Chancery Lane Public Right-of-Way as shown on the Plat of Lots A and B of Block 1, Lots 1-10 of Block 2, and Tract A, all in Mountain Shadows Subdivision, locate din the SW1/4 SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Sheridan Lake Road and Chancery Lane.

**Public Works Committee Consent Items**

52. No. PW091305-01 Approve the Informal Quote for Project ST05-1272 Block 26 Alley Paving (N. Rapid Addition) to Simon Contractors of South Dakota, Incorporated in the amount of \$21,221.00.
54. No. PW091305-03 Approve Change Order No. 1F for the 2005 Street Marking Contract, Project No. PM05-1463; CIP No. 50593 to Dakota Traffic Services, LLC for a decrease of \$1,071.97.
55. No. PW091305-04 Authorize staff to advertise for bids for the Block 8 Alley Paving, West Boulevard Addition Project No. ST03-1330; CIP #50595.
56. No. PW091305-05 Authorize staff to advertise for bids for the Water Treatment Plant Roof Replacement Project No. WTP05-1525; CIP #50369.
57. No. PW091305-06 Authorize Mayor and Finance Officer to sign a Professional Services Agreement with ASCG Incorporated of Colorado for Water Reclamation Facility Expansion Two Year Warranty Inspection, Project No. WRF02-1174A for an amount not to exceed \$9,600.00.
58. No. PW091305-09 Approve a Resolution fixing time and place for hearing on October 17, 2005 for Assessment Roll for Heidiway Lane Sanitary Sewer Extension Project No. SS01-1061.

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON  
ASSESSMENT ROLL FOR  
HEIDIWAY LANE SANITARY SEWER EXTENSION  
PROJECT NO. SS01-1061

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

1. The assessment roll for Heidiway Lane Sanitary Sewer Extension Project SS01-1061 was submitted to the Finance Office on the 19<sup>th</sup> day of September, 2005. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, October 17, 2005 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 19<sup>th</sup> day of September, 2005.

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

THE CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

- 59. No. PW091305-10 Approve a Resolution for Supplemental Tap Fees as part of Heidiway Lane Sanitary Sewer Extension Project No. SS01-1061.

RESOLUTION ESTABLISHING SUPPLEMENTAL TAP FEES  
FOR THE  
HEIDIWAY LANE SANITARY SEWER  
PROJECT SS01-1061

WHEREAS, Rapid City Municipal Code Section 13.04.095 allows the Common Council to impose supplemental tap fees for connection to the sanitary sewer utility in certain areas; and

WHEREAS, the Director of Public Works has recommended to the Common Council that such supplemental tap fees in the amount of \$1,655 be adopted in the areas shown on Exhibit A, attached hereto and incorporated herein by reference (the W1/2, Section 15, T1N, R7E, Rapid City, Pennington County, South Dakota); and

WHEREAS, the Common Council recognizes the intent of previous Common Councils to adopt these supplemental tap fees; and

WHEREAS, the Common Council finds that such supplemental tap fees are appropriate and in the best interests of the City, community, and the sanitary sewer utility;

NOW, THEREFORE, be it resolved that a supplemental tap fee in the amount of \$1,655 for all new sewer connections to the City's sanitary sewer utility in the area shown in Exhibit A hereto be and hereby is adopted.

BE IT FURTHER RESOLVED that such supplemental tap fee shall remain in effect until such time as the tenth (10th) supplemental tap fee is colleted, at which time this Resolution and the supplemental tap fee shall automatically expire; and

Dated this 19<sup>th</sup> day of September, 2005.

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

THE CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

60. No. PW091305-11 Authorize Mayor to submit a letter requesting release of Federal Highway Funds for the East Anamosa Street Extension.
61. No. 05RD003 Approve a **Road Name Change of the south end of Elk Vale Road to Lancer Drive** for petitioner City of Rapid City on a portion of Tract D, located in NE1/4 NW1/4 Section 9; and Tract A, located in the SE1/4 SW1/4 Section 4; and the NE1/4 NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as Elk Vale Road between Turbine Drive and East Highway 44.

RESOLUTION NAMING A PORTION OF THE  
SOUTH END OF ELK VALE ROAD  
TO LANCER DRIVE

BE IT RESOLVED, by the City of Rapid City, that a portion of the south end of Elk Vale Road located on a portion of Tract D, located in NE1/4 NW1/4 Section 9; and Tract A, located in the SE1/4 SW1/4 Section 4; and the NE1/4 NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota more generally described as being located at Elk Vale Road between Turbine Drive and East Highway 44.

Dated this 19<sup>th</sup> day of September, 2005.

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

THE CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

***Legal & Finance Committee Consent Items***

63. Authorize Rapid City Jaycees to make application to sell beer at the Ice Arena in November at the Men's Hockey Tournament.
64. No. LF091405-01 Approve Travel Request for the South Dakota Municipal League Conference in Sioux Falls, SD, October 4-7, 2005, in the approximate amount of \$6,717 with the additions of Brad Solon and Bill Charles.
66. No. LF091405-14 Authorize Mayor and Finance Officer to sign Memorandum of Understanding between the State of South Dakota, Meade County, Pennington County, City of Box Elder, Rapid City, and Black Hills Vision for the Formation of a Moving Forward with Ellsworth Steering Committee.
67. No. LF091405-09 Approve Travel Request for Jennifer Irwin, Greta Chapman, Terri Davis, Chris Getz, Jared Likness, Kim Baumberger, and MaryAnne Rohrer to attend the Annual State Library Conference in Pierre, SD, October 5-7, 2005, in the approximate amount of \$2,261.20.
68. No. LF091405-02 Approve Travel Request for Annual Police Department Meeting at the Civic Center, January 11-13, 2006, in the approximate amount of \$500.
69. No. LF091405-03 Authorize Mayor and Finance Officer to sign Federal Equitable Sharing Agreement.
71. No. LF091405-15 Authorize Mayor and Finance Officer to sign Contract with the Department of Environment and Natural Resources for the Air Quality Program.
72. No. LF091405-04 Authorize Mayor and Finance Officer to sign Plan Amendment No. 25 to the City of Rapid City Healthcare Plan.

- 73. No. LF091405-05 Authorize Mayor and Finance Officer to sign Plan Amendment No. 26 to the City of Rapid City Healthcare Plan.
- 74. No. LF091405-10 Approve utilizing \$3,000 from Council Contingency to fund publishing audio files on the City's website.
- 76. Authorize staff to advertise for a Janitorial Services Contract at the Milo Barber Transportation Center.
- 77. No. LF091405-06 Authorize Mayor and Finance Officer to sign Agreement with Rapid City Racers Swim Club, Inc.
- 78. No. LF091405-08 Approve Raffle Request for South Dakota Ducks Unlimited to hold raffle on September 24, 2005.

**Growth Management Department Consent Items**

- 79. No. 05AN010 - A request by Stephen and Elizabeth McCarthy for a **Petition for Annexation** on Lot 1, Tract K-1, Canyon Park Estates, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, located at 5740 West Highway 44. (APPROVE Petition for Annexation contingent on any payment due to the Johnson Siding Fire Protection District being paid by the City of Rapid City.)

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS, a petition, signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed, has been filed with the City; and,

WHEREAS, the territory that the petitioners are seeking to have annexed is contiguous to the City of Rapid City; and,

WHEREAS the City Council of the City of Rapid City deems it to be in the best interest of the City that the within described territory be annexed and thereby included within the corporate limits of the City.

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 2.363 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

Lot 1, Tract K-1, Canyon Park Estates, Section 18, T1N, R7E, BHM, Pennington County, South Dakota

Dated this 19<sup>th</sup> day of September, 2005.

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

THE CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

- 80. No. 05AN012 - A request by Sperlich Consulting, Inc. for Walter and Sandra Bebout for a **Petition for Annexation** on the west 33 feet of Tract 5, Sletten Addition, located in the W1/2 NW1/4 SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota,

located north and west of West Nike Road. (APPROVE Petition for Annexation for the west 33 feet of Tract 5, Sletten Addition, located in the W1/2 NW1/4 SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota less the southern most portion of the section line right-of-way located within Tract 5 of Sletten Addition in the SW1/4 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota, already located in the City limits, contingent on any payment due to the North Elk Fire Protection District being paid by the City of Rapid City.)

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS, a petition, signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed, has been filed with the City; and,

WHEREAS, the territory that the petitioners are seeking to have annexed is contiguous to the City of Rapid City; and,

WHEREAS the City Council of the City of Rapid City deems it to be in the best interest of the City that the within described territory be annexed and thereby included within the corporate limits of the City.

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 1.0 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

The west 33 feet of Tract 5, Sletten Addition, located in the W1/2 NW1/4 SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota

Dated this 19<sup>th</sup> day of September, 2005.

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

THE CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

- 81. No. 05PL100 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 through 13, Block 11; Lots 1, Block 12; Lots 3 through 8 Block 7; Lots 3 through 9, Block 6; Lots 10 through 19, Block 5, Section 28, T1N, R7E, and Section 29, T1N, R7E, Red Rock Subdivision, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 NE1/4 and the SE1/4 NE1/4, Section 28, T1N, R7E, and the NW1/4 NW1/4 and the SW1/4 NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north and west of the northern terminus of Dunsmore Road. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the Planning Commission, design plans for the construction of Detention Cell #101 shall be submitted for review and approval and completed as a part of the subdivision improvements or the Red Rock Drainage Basin Plan shall be amended accordingly and alternative storm water management facilities shall be provided; 2. Prior to Preliminary Plat approval by the City

Council, construction plans for the east-west collector street from Muirfield Drive to Dunsmore Road shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the intersection of Muirfield Drive and the east-west collector street shall be reconstructed to create Muirfield Drive in a "T" design with the east-west collector street. The reconstruction of the intersection shall be at the sole expense of the applicant as per a stipulation of approval for Phase One of the Red Rock Estates Subdivision; 3. Prior to Preliminary Plat approval by the City Council, all 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 Growth Management Department; 4. The Exception request to allow 139 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual is hereby denied. In addition, prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a second point of access and/or the previously approved "H Lot" and related deed shall be recorded at the Register of Deed's Office. The street shall also be constructed as a part of the subdivision improvements for the subject property; 5. Prior to submittal of a Final Plat application, the plat title shall be revised to read "NE1/4 NE1/4 and the SE1/4 NE1/4 of Section 29, and the NW1/4 NW1/4 and the SW1/4 NW1/4 of Section 28"; 6. Prior to submittal of a Final Plat application, the plat document shall be revised to show the street names as approved by the Emergency Services Communication Center; 7. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Muirfield Drive and the first fifty feet of all corner lots; and, 8. 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.)

82. No. 05PL118 - A request by Sperlich Consulting for Gordon Howie for a **Preliminary Plat** on Lots 8A, 8B, 8C, 9A, 9B, 10A, 10B, Block 22, Trailwood Village, SE1/4 SE1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of tract T, Trailwood Village, located in the SE1/4 SE1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Long View Road and Reservoir Road. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for Reservoir Road and Long View Road. In particular, the road construction plans shall show the street(s) constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for the access and utility easements as shown on the plat. In particular, the road construction plans shall show the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the Planning Commission, a Master Plan for the unplatted balance located north of the proposed plat shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval; 5. Prior to Preliminary Plat approval by the City Council, all

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 Growth Management Department; 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 Preliminary Plat approval by the City Council, the applicant shall submit documentation for review and approval demonstrating the legal entity responsible for providing street maintenance and snow removal on the proposed access easements; 8. Upon submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Reservoir Road and Long View Road or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s); 9. Upon submittal of the Final Plat application, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way in lieu of seven additional feet of right-of-way Long View Road or a Variance to the Subdivision Regulations shall be obtained; and, 10. Upon submittal of the 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.)

83. No. 05PL151 - A request by Dream Design International, Inc. for a **Layout Plat** on Tracts A, B and C, Falcon Crest Subdivision, E1/2 W1/2 SW1/4 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as the E1/2 W1/2 SW1/4 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, located at the southern terminus of Countryside Boulevard. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design must be submitted for review and approval; 2. A Special Exception to the Street Design Criteria Manual to allow a 1,000 foot long cul-de-sac with no intermediate turnarounds in lieu of a maximum 500 foot long cul-de-sac with intermediate turnarounds every 600 feet shall be granted with the stipulation that a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented. Prior to Preliminary Plat approval by the City Council, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented; 3. A Special Exception is hereby granted to allow 103 dwelling units in lieu of 40 dwelling units with one point of access with the stipulation that a note be placed on the plat stating that the property may not be further subdivided; 4. Upon submittal of a 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; 5. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 6. Upon submittal of a Preliminary Plat application, road construction plans for Countryside Boulevard shall be submitted for review and approval. In particular, Countryside Boulevard shall be located in a minimum 68 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or the street shall be located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street shall be posted with no parking signs;

7. Upon submittal of a Preliminary Plat application, road construction plans for the access easement shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 49 foot wide easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or the street shall be located in a minimum 45 foot wide easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street shall be posted with no parking signs; 8. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show access to proposed Tract C. In addition, road construction plans for the street shall be submitted for review and approval. The road construction plans shall show the street located in a minimum 49 foot wide easement or right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or the street shall be located in a minimum 45 foot wide easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street shall be posted with no parking signs. In addition, a turnaround shall be provided at the end of the street with a minimum 110 foot wide diameter easement or right-of-way and constructed with a minimum 92 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water or a hammerhead turnaround in compliance with the City's Fire Department requirements for fire apparatus access shall be provided; 9. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains, fire hydrants and water lines, including the size of the proposed water lines shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the proposed aquifer and anticipated depth of the well(s) shall be identified. The plat document shall also be revised to show utility easement(s) as needed; 10. 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 a central sewer system is proposed, the applicant shall identify the entity responsible for operation and maintenance and obtain South Dakota Department of Environment and Natural Resource approval. If individual on-site wastewater systems are used, then an on-site wastewater plan prepared by a Registered Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In particular, the information shall include percolation test data and location as well as soil profile data and locations. In addition, a septic tank plan must be submitted for review and approval as per Chapter 16.20.040.N of the Rapid City Municipal Code; 11. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall address the characteristics of downstream drainage facilities. In addition, adequate facilities for conveyance of increased or modified flows, proper easements for use of the drainage facilities or demonstration of the application of legal reasonable use principles shall be provided. The plat document shall also be revised to provide drainage easements as necessary to convey upstream run-off across the

property; 12. Upon submittal of a Preliminary Plat application, road name(s) for the access easement(s) shall be submitted for review and approval; 13 Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal. In particular, an agreement with Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal; or evidence shall be submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1; or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services; 14. Upon submittal of a Final Plat application, a note shall be placed on the plat document stating that "a reserve drainfield area shall be identified upon submittal of a building permit" and that "on-site wastewater disposal systems shall be mound systems, holding tanks or evapotranspiration systems only if percolation and profile information is not sufficient for conventional systems"; and, 15. 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.)

84. No. 05PL152 - A request by Dream Design International, Inc. for a **Layout Plat** on Lot 1, Shipman Heights Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of NE1/4 NW1/4 NW1/4, lying east of Highway 16; W1/2 NW1/4 NE1/4 NW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of the intersection of U.S. Highway 16 and Tucker Street. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval; 2. 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; 3. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. The plat document shall also be revised to provide drainage easements as necessary; 4. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval; 5. 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; 6. 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; 7. Upon submittal of a Preliminary Plat application, road construction plans for US Highway 16 shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained; 8. Upon submittal of a Preliminary Plat application, road construction plans for Promise Road shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. The right-of-way may be dedicated on the plat document or as an "H Lot". In addition, the intersection of Promise

Road and US Highway 16 will be limited to a right-in and a right out only turning movement until the access onto US Highway 16 is closed; 9. Upon submittal of a Preliminary Plat application, road construction plans for Tucker Street shall be submitted for review and approval. In particular, the road construction plans shall show Tucker Street as it abuts the subject property located in a minimum 60 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of five additional feet of right-of-way; 10. Prior to Preliminary Plat approval by the City Council, the applicant shall enter into an agreement with the South Dakota Department of Transportation to eliminate the intersection of Tucker Street and US Highway 16 at such time as the Catron Boulevard/US Highway 16 interchange is constructed or Promise Road is constructed providing a street connection to the north of the property or a safety issue arises at the intersection of Tucker Street and US Highway 16. In addition, the right-of-way for Promise Road as it extends north of the subject property shall be dedicated as an "H Lot" and the applicant shall sign a waiver of right to protest any future assessments for the improvements to Promise Road; 11. 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. In addition, the International Fire Code shall be continually met; 12. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 13. Prior to submittal of a Final Plat application, the plat document shall be revised to add "Director" to the Certificate of Growth Management; and, 14. 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.)

#### END OF CONSENT CALENDAR

Kroeger moved, second by Okrepkie and carried to acknowledge the report on the sewer line in the 500 Block of East Madison Street.

The Mayor presented No. PW091305-02, approve Informal Quote for Saint Patrick Street and Saint Joseph Street Intersection Emergency Repairs; Project No. ST05-1527 to Simon Contractors of South Dakota, Incorporated in the amount of \$58,067.15. Finance Officer Preston explained State law requires the Council to declare an emergency for a project to proceed. Informal quotes must be sought, reported to the Council and read into the Council minutes, and then the City can proceed with a project. He reported the informal quotes for this project are dated July, 2005, which does not constitute an emergency repair. Preston recommended Council authorize staff to advertise for bids for the Saint Patrick Street and Saint Joseph Street intersection repairs; whereupon Okrepkie moved, second by Hadcock and carried to approve.

Hadcock moved, second by Olson and carried to continue No. 05VE017, a **Vacation of Non-access Easement** for petitioner Greg Wierenga, CETEC Engineering Services, Inc. for Pam Murray on Lot 6, Block 2, Skyline Drive Subdivision, SW1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1525 Pevans Parkway to the October 3, 2005 Council meeting.

Schumacher moved, second by Olson and carried to approve a 30-day stay on the demolition of 1029 East St. Francis Street.

Johnson moved, second by Hadcock to (No. LF091405-12) request the City Attorney's office to prepare an ordinance amendment allowing for Planning Commission alternates. Responding to a question from Alderman Schumacher, Alderman Hadcock explained the Planning Commission discussed at length the possibility of alternates serving the Planning Commission; and she asked for support of an ordinance amendment. Alderman Olson echoed the comments of Alderman Hadcock and explained the alternates would be required to attend the meetings so they would be aware of the current issues coming before the Planning Commission. Alderman Schumacher suggested it would be easier to appoint those people who had the ability to serve. Alderman Olson suggested a continuance to allow the process to work; and if there is a full complement of Planning Commission members, it may not be necessary to act on this item.

Substitute motion was made by Olson to continue this request to the February 20, 2006 Council meeting. Second by Schumacher. Alderman Johnson suggested Planning Commission alternates makes good sense. Planning Commission Chairman, Scott Nash indicated that in the past, even though there was a full compliment of Commission members, there were occasions when there was no quorum or a quorum was lost during the course of the meeting and business was suspended. He suggested having alternates would mean a vacancy could be filled with the alternate who was versed in the proceedings and issues. Upon a vote on the substitute motion, motion failed.

Upon a vote on the original motion to request an ordinance amendment, motion carried.

Kroeger moved, second by Olson and carried to approve charging \$15 for reproduction of audio recordings of meetings.

### **ALCOHOLIC BEVERAGE LICENSE APPLICATIONS**

The Mayor announced the meeting was open for hearing on the listed applications for Alcoholic Beverage Licenses to operate within the City of Rapid City, South Dakota. Dr. Talley asked that the hearing on the application for Kurylas, Inc. dba Imperial Inn be continued to October 3, 2005 Council meeting. Chapman moved, second by Olson and carried to close the public hearing.

Chapman moved, second by Hadley and carried to continue the following alcohol license application to the October 3, 2005 Council meeting.

#### **Retail (On Sale) Liquor License**

85. Kurylas, Inc. dba **Imperial Inn**, 100 Saint Joseph Street for a Retail (On Sale) Liquor License, Sunday On-Sale Operation

Chapman moved, second by Kroeger and carried to approve the following alcohol license application.

#### **Special Malt Beverage and Wine License**

86. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on October 14, 2005 at Dahl Arts Center, 713 7<sup>th</sup> Street

87. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on November 12, 2005 at Dahl Arts Center, 713 7<sup>th</sup> Street
88. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on December 8, 2005 at Dahl Arts Center, 713 7<sup>th</sup> Street
89. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on January 14, 2006 at Dahl Arts Center, 713 7<sup>th</sup> Street
90. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on February 24 & 25, 2006 at Dahl Arts Center, 713 7<sup>th</sup> Street

***Set for Hearing (October 3, 2005)***

Chapman moved, second by Olson and carried, and the Finance Officer was directed to publish notice of hearing on the following application, said hearing to be held as follows:

Special Malt Beverage and Wine License

91. **Rapid City Area Chamber of Commerce** for a Special Malt Beverage and Wine License for use on October 11, 2005 at Evans Orthodontic Specialists, 817 9<sup>th</sup> Street

Retail (On-Sale) Wine License

92. Hanna Khoury dba **Khoury's Mediterranean Cuisine**, 2520 West Main Street for a Retail On-Sale Wine License

Retail (On-Off Sale) Malt Beverage License

93. Hanna Khoury dba **Khoury's Mediterranean Cuisine**, 2520 West Main Street for a Retail On-Off Sale Malt Beverage License

**ITEMS FROM THE MAYOR**

Kroeger moved, second by Olson and carried to approve the appointment of Doug Andrews, Planning Commission member to Development Appeals Review Board (DARB).

**ITEMS FROM COUNCIL MEMBERS/LIAISON REPORTS**

Parks and Recreation Director Cole, responding to a concern from Alderman Schumacher about park signs, explained the Robbinsdale Park sign located at the entrance on Fairmont Blvd. is part of the Pony League sign and a new sign will be installed this spring. Cole also explained that his department will begin a program of replacing park signs in the parks system so that they will be similar in design and appearance.

Alderman Okrepkie public acknowledged the outstanding performance and professionalism of the 911 Dispatch Center during the time they were temporarily displaced due to a fire in the Public Safety Building and relocated to the Hwy 16 Fire Station. He stressed the need to have good communications to make certain responding emergency personnel are dispatched to the correct locations. Okrepkie indicated that he felt good about how the City's Emergency Management and first responders are supporting the people in the community.

**BID AWARDS**

The following companies submitted bids for (No. CC091905-01) Generator Equipment Procurement for Well #12, Stoney Creek Booster Station Project No. W03-953.E1 / CIP No. 50318 opened September 14, 2005: Cummins Central Power, LLC, GenPro Power System, Inc., and Butler Machinery Company. Staff reviewed the bids and recommends award to Butler Machinery Company. Kroeger moved, second by Chapman and carried to approve the bid award of the Generator Equipment Procurement for Well #12, Stoney Creek Booster Station Project No. W03-953.E1 to the lowest responsible bidder meeting specifications, Butler Machinery Company for the low unit price bid for a total contract amount of \$175,287.00.

### **APPROVAL OF BILLS**

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

Payroll Paid Ending 09-03-05, Paid 09-09-05	691,969.00
Payroll Paid Ending 09-03-05, Paid 09-09-05	3,336.80
Pioneer Bank, Taxes Paid 09-09-05	167,794.52
Pioneer Bank, Taxes Paid 09-09-05	235.59
First Administrators, claims paid 09-06-05	93,509.89
First Administrators, claims paid 09-14-05	123,476.50
Berkley Risk Administrators, claim payments	24,003.33
Shovelhead Excavating, Project SS00-940	13,971.42
Shovelhead Excavating & Cretex Concrete, Project SS00-940	3,453.53
Black Hills Power & Light, electricity	47,090.99
West River Electric Association, electricity	21,447.13
United States Postmaster, postage	1,600.00
Computer Bill List	<u>3,539,907.41</u>
Subtotal	\$4,731,796.11
Payroll Paid Ending 09-03-05, Paid 09-09-05	2,597.00
Pioneer Bank, Taxes Paid 09-09-05	198.67
Charles Braunersrither, stipend	150.00
City of Rapid City, postage	4.62
City of Rapid City, health insurance	643.00
City of Rapid City, petty cash	4.00
Simpson's Printing, newsletters	98.50
SD Retirement System, pension	297.42
Standard Life, life insurance	<u>7.92</u>
Total	\$4,735,797.24

The next item discussed is No. CC090605-04, approve \$233,500 from CIP Contingency Fund and \$35,000 from funds earmarked for irrigation projects to fund the City's portion to purchase bleachers. Civic Center General Manager Maliske reported the Civic Center has expended its capital outlay intended for equipment purchases to repair the arena roof; a project that was not anticipated. Maliske explained that last year's capital outlay was expended on repairs to the HVAC line between the Civic Center and the Common Energy Plant. He explained that it has been three years since they have been able to spend their capital outlay as planned. He indicated the bleachers are much needed for the State track meet, but the Civic Center does not

have the funds available to participate in the purchase. Alderman Hadley indicated it is a difference of opinion on where the money should come from for the purchase of the bleachers. He explained that he did not agree with using CIP Contingency and would prefer using something other than drainage funds. Should future projects be brought forward for funding, Alderman Hadley asked the Council to be diligent in their pursuit of identifying funding as they have been in purchasing the bleachers. Motion was made by Hadley to approve \$233,500 from CIP Contingency Fund and \$35,000 from funds earmarked for irrigation projects to fund the City's portion to purchase bleachers. Second by Chapman. Upon a roll call vote, the following voted AYE: Hurlbut, Chapman, Kooiker, Hadley, Olson, Johnson, and Kroeger; NO: Schumacher, Okrepkie, and Hadcock. Motion carried.

**CITY ATTORNEY'S ITEMS**

Chapman moved, second by Hadcock and carried to go into Executive Session to discuss contractual matters. The Council came out of Executive Session with all members present; no report was made.

**ADJOURN**

As there was no further business to come before the Council at this time, the meeting adjourned at 10:55 P. M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_

Mayor

\_\_\_\_\_

Finance Officer

(SEAL)