

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

August 21, 2006

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, August 21, 2006 at 7:10 P.M.

The following members were present: Mayor Jim Shaw and the following Alderpersons: Mike Schumacher, Karen Olson, Ron Kroeger, Sam Kooiker, Malcom Chapman, Tom Johnson, Lloyd LaCroix, Bill Okrepkie, Bob Hurlbut, and Deb Hadcock; and 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, Fire Chief Gary Shepherd, Police Chief Craig Tieszen, Parks & Recreation Director Jerry Cole, and Administrative Coordinator Jackie Gerry.

### **APPROVE MINUTES**

Okrepkie moved, second by LaCroix to approve the minutes of August 7, 2006 with a correction indicating that at 6:40 P.M. Alderman Schumacher (not Alderman Chapman) entered the meeting; and to approve the August 2 & 3, 2006 Budget Review and August 14, 2006 Budget Review. Motion carried.

### **ADOPTION OF THE AGENDA**

The following items were added to the agenda:

- Fire Code Appeals, Alderman Hadcock
- On-Premise LED Signs, Alderman Hadcock

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

### **AWARDS AND RECOGNITIONS**

Mayor Shaw presented the Veteran of the Month for August, 2006 to Paul Ott, Sr. and recognized his efforts and dedication to the service of his country.

### **GENERAL PUBLIC COMMENT**

Dan Michael, Rapid City addressed the expansion of the Civic Center noting his concerns about the impact on the energy plant that serves the Civic Center and Central High School. Michael also suggested Rapid City needed to give consideration to a military discount for service men of a certain rank stationed at Ellsworth Air Force Base. Michael also spoke of the anniversary of his mother's passing from the West Nile Virus, and urged the City and County to work together to control the mosquito population. Alderman Hurlbut spoke of a mosquito outbreak in west Rapid City. Alderman Kooiker recalled the BRAC discussions and related the discussion of Abilene, TX and their effort to offer a military discount. Kooiker indicated that this is an important

issue that the public and private sectors of Rapid City should consider. Kooiker encouraged the Mayor's Office to approach the Task Force about the concept of a military discount. The Chair indicated that a report on mosquito control will be forthcoming from the Parks Department.

The Mayor presented No. CC082106-04, status of the Big Ben Power Plant building; pointing out that the building is located north of Rapid Creek near Founder's Park. The Mayor indicated that there have been reports of transients using the building. This building stands empty, and the City sealed the building, installing metal doors that were welded closed. The welded doors have since been broken down, and the City sealed the building a second time. Entrance to the building has been gained by bricks having been removed from the wall. In response to a request from the Mayor, Growth Management Director Elkins reported that an assessment of the building was completed. This issue was before the Council's Public Works Committee who referred the issue to the Historic Preservation Commission. The HPC discussed the issue, and from their perspective, they are interest in the preservation of the building. Elkins also reported that the Public Works Department reviewed the assessment and submitted a Memorandum to the Council outlining their observation. Elkins noted that currently, the building is not listed on the national register, but is eligible for registration. Elkins indicated that there is significant concern with the condition of the building as it exists today. Mayor Shaw outlined staff's observation of the structure -- the building continues to deteriorate and poses a liability risk; there is currently no identified need for the building; the estimated costs is for stabilization of the building, not restoration or preservation (these costs could be significantly higher); there may be other costs to put the building into service, i.e. utilities, paved access; due to the location, susceptibility to vandalism, and identified repair costs, storage does not appear to be a feasible use for the building. Investment in the building should be considered purely from a historic preservation perspective. Beyond that scope, demolition is the better alternative.

Johnson moved, second by Okrepkie that staff be directed to take whatever steps are necessary to demolish the building. The Mayor indicated that there has been some discussion about the bricks being saved to use in a project in Founders Park. Alderman Kooiker asked that the City not proceed with demolition, but appeal to the community about preserving the structure. He indicated his desire to exhaust all possible avenues in finding other ways to save the building.

Substitute motion was made by Kooiker to continue this item for ninety days, and ask that the Mayor's Office work with the Historic Preservation to see if there are other avenues within the community to possibly save the building. Second was made by Hurlbut for discussion purposes. City Attorney Green indicated that if the Council is not inclined to proceed with demolition at this time, he encouraged them to take some measures to prevent access to the building. He indicated that it is apparent that there are some structural problems, and this presents a potential liability to the City. Alderman Hurlbut suggested that ninety days is too long; and that the City may have already heard from interested individuals about saving the building, if there is interest. Alderman Kroeger offered support for the motion to continue, but not the timeframe.

Second substitute motion was made by Schumacher to continue this time for thirty days, to the September 18, 2006 Council meeting; and directed staff to move forward with securing the building to limit the liability. Second was made by Chapman. City Attorney Green indicated that the Council needs to be more specific on how to secure the structure as the effort may involve the expenditure of funds. Alderman Olson suggested there is some merit in the idea of saving the brick, and noted that the Founders Park group is raising money and this could be part of

their project or fund raising strategy. Alderman Johnson asked that Council defeat the substitute motions, pointing out that staff has told the Council about the liability risk, that there is no need for the building; that the building is not on the registry, and there is no historic value in the building; and no one has come forward with the amount of money to restore the building. In response to a question from Alderman Chapman, Growth Management Director Elkins indicated that the contractor, who is doing a project adjacent to the structure, indicated that if the Council agreed to it, he would be willing to take it down on behalf of the City. Alderman LaCroix related the history of vandalism of the building when this area was occupied by the packing plant; and offered support for the demolition. Alderman Kroeger suggested the doors to the building be opened for easy access, and that the wall be secured for 30 days to allow the City an opportunity to determine if there is interest in restoring or demolishing the building.

Johnson moved, second by Chapman to call the question. Motion carried with Schumacher voting NO.

Upon a roll call vote on the second substitute motion to continue to September 18, 2006 Council meeting, the following voted AYE: Schumacher, Olson, Kroeger, Kooiker, and Chapman; NO: Johnson, LaCroix, Okrepkie, Hurlbut, and Hurlbut. The Chair voted NO. Motion failed.

Hurlbut moved, second by Okrepkie to call the question. Motion carried.

Upon a roll call vote on the substitute motion to continue for ninety days, the following voted AYE: Olson, Kroeger, Kooiker, Chapman, and Schumacher; NO: Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock. The Chair voted NO. Motion failed.

Johnson moved, second by Okrepkie to call the question. Upon a roll call vote, the following voted AYE: Kroeger, Johnson, LaCroix, Okrepkie, Hurlbut, Hadcock, and Olson; NO: Kooiker, Chapman, and Schumacher. Motion carried.

Upon a roll call vote on the motion to demolish the building, the following voted AYE: Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: Kooiker, Chapman, Schumacher, Olson, and Kroeger. The Chair voted AYE. Motion carried.

## **PUBLIC HEARINGS**

The Mayor presented No. 06CA020, a request by City of Rapid City for a **Comprehensive Plan Amendment to adopt the City of Rapid City Bikeway/Walkway Plan**. 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 21<sup>st</sup> day of August, 2006 at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, it appears that good cause exists to amend the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan of the City of Rapid City be amended to adopt the City Bikeway/Walkway Plan and that such amendment be filed with the City Finance Office.

Dated this 21<sup>st</sup> day of August, 2006.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

(SEAL)

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

The Mayor presented No. 06CA021, a request by FMG, Inc. for Bypass, LLC for an **Amendment to the Comprehensive Plan by revising the Northeast Area Neighborhood Future Land Use Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial** on that part of the SW1/4 NE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a 5/8" rebar with an aluminum survey cap at the center of Section 28, T2N, R8E, BHM; thence S89°48'22"E, 454.91 feet to a point on the east 1/4 line of Section 28; thence N46°26'34"E, 535.17 feet to a point, said point being the intersection with a non-tangent curve; thence Northwesterly, 285.07 feet along a curve to the right, said curve having a radius of 717.59 feet, said curve having a chord bearing of N32°10'36"W, a chord distance of 283.20 feet, to a point, said point being the intersection of a non-tangent line; thence S48°44'38"W, 920.40 feet to a 5/8" rebar with an aluminum survey cap at the center of Section 28, T2N, R8E, BHM, at the point of beginning; all located within the SW1/4 NE1/4, Section 28, T2N, R8E, BHM. Said parcel containing 4.826 acres more or less, located north of Mall Drive and West of Elk Vale Road. The following resolution was introduced, read, and Olson moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City 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 21<sup>st</sup> day of August, 2006 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 Northeast Area Neighborhood Future Land Use Plan to change the land use designation from General

Commercial with a Planned Commercial Development to Light Industrial on that part of the SW1/4 NE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a 5/8" rebar with an aluminum survey cap at the center of Section 28, T2N, R8E, BHM; thence S89°48'22"E, 454.91 feet to a point on the east ¼ line of Section 28; thence N46°26'34"E, 535.17 feet to a point, said point being the intersection with a non-tangent curve; thence Northwesterly, 285.07 feet along a curve to the right, said curve having a radius of 717.59 feet, said curve having a chord bearing of N32°10'36"W, a chord distance of 283.20 feet, to a point, said point being the intersection of a non-tangent line; thence S48°44'38"W, 920.40 feet to a 5/8" rebar with an aluminum survey cap at the center of Section 28, T2N, R8E, BHM, at the point of beginning; all located within the SW1/4 NE1/4, Section 28, T2N, R8E, BHM; and

WHEREAS, it appears that good cause exists to amend the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan of the City of Rapid City be amended by changing the Future Land Use designation from General Commercial with a Planned Commercial Development to Light Industrial on that part of the SW1/4 NE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a 5/8" rebar with an aluminum survey cap at the center of Section 28, T2N, R8E, BHM; thence S89°48'22"E, 454.91 feet to a point on the east ¼ line of Section 28; thence N46°26'34"E, 535.17 feet to a point, said point being the intersection with a non-tangent curve; thence Northwesterly, 285.07 feet along a curve to the right, said curve having a radius of 717.59 feet, said curve having a chord bearing of N32°10'36"W, a chord distance of 283.20 feet, to a point, said point being the intersection of a non-tangent line; thence S48°44'38"W, 920.40 feet to a 5/8" rebar with an aluminum survey cap at the center of Section 28, T2N, R8E, BHM, at the point of beginning; all located within the SW1/4 NE1/4, Section 28, T2N, R8E, BHM. Said parcel contains 4.826 acres more or less as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 21<sup>st</sup> day of August, 2006.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

(SEAL)

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

The Mayor presented No. 06CA023, a request by Lise Balk-King for an **Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use designation from Residential to Neighborhood Commercial** on Lots 19 thru 24, Boulevard Addition, Block 3, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1011, 1015, 1019 and 1021 St. Joseph Street. Olson moved, second by Hadcock to deny without prejudice. Steven Brenden, Rapid City indicated his opposition to this request

suggesting this would increase the traffic volume. Lise Balk-King, petitioner, agreed that Office Commercial may be more appropriate for this area. Dennis Halterman, Historic Preservation Commission indicated that the houses are contributing structures in the historic district. Halterman asked that the applicant come before the commission with a revised plan. Hurlbut moved, second by Chapman to call the question. Motion carried. Upon a vote being taken on the motion to deny without prejudice, motion carried with Kooiker voting NO.

The Mayor presented No. 06FV008, a request by Lund Associates, Ltd. for Golden West Technologies to consider an application for a **Fence Height Exception** to allow a 10 foot six inch high fence in lieu of a eight foot high fence in a Light Industrial zoning district on Tract N, Fountain Springs Business Park, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Fountain Plaza Drive. Olson moved, second by Hadcock to approve the fence height exceptions with the following stipulation: A building permit for the fence shall be obtained prior to construction. Motion carried with Alderman Kooiker abstaining.

Olson moved, second by Kroeger 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 Pioneer Circle and Bighorn Road as they abut a parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota. (06SV031)

The Mayor presented No. 06SV031, a request by Patricia Jo Meredith for a **Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, street light conduit, sidewalk, pavement and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 3, Meredith Subdivision, located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, located at 7601 Pioneer Circle. Olson moved, second by Kroeger and carried that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, and sewer along Pioneer Circle as per Chapter 16.16 of the Rapid City Municipal Code 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 installation of additional pavement along Pioneer Circle as per Chapter 16.16 of the Rapid City Municipal Code be denied; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, and sewer along Bighorn Road as per Chapter 16.16 of the Rapid City Municipal Code 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; and, that the Variance to the Subdivision Regulations to waive the installation of pavement along Bighorn Road as per Chapter 16.16 of the Rapid City Municipal Code be denied.

Olson moved, second by Kroeger 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 additional pavement along Beale Street, Dyess Avenue and Eglin Street as they abut Lot 1, Starlite Subdivision, located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. (06SV033)

The Mayor presented No. 06SV033, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1A, 1B, 1C and 1D of Starlite Subdivision, formerly Lot 1, Starlite Subdivision, located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Starlite Subdivision, located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of Beale Street and Dyess Avenue and north of Eglin Street. Olson moved, second by Kroeger and carried that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Eglin Street, Dyess Avenue and Beale Street be denied; that the Variance to the Subdivision Regulations to waive the requirement to install water along Beale Street and Dyess Avenue be denied; and, that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement along Beale Street, Dyess Avenue and Eglin Street 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 these improvements.

Chapman moved, second by Johnson and carried to reconsider No. 06SV031, a request by Patricia Jo Meredith for a Variance to the Subdivision Regulations.

The Mayor presented No. 06SV031, a request by Patricia Jo Meredith for a **Variance to the Subdivision Regulations**. Petitioner Patricia Meredith explained that she lives on Pioneer Circle, which is a County road and her intent is to divide a ten acre lot into a seven acre lot and a three acre lot. Meredith explained that she is being required to pave a 230 foot long road to City standards. She indicated that Pioneer Circle is fourteen feet wide, and the City's standard is fifty-four feet wide. Meredith explained that Pioneer Circle does not meet standards of the fire code. Meredith asked that the requirements being asked of her be postponed until the County widens the road. In response to a question from Alderman Chapman, Growth Management Director Elkins indicated the Council could grant the variances and require a waiver of right to protest a future assessed project; and noted that this property is outside the City limits and until such time as it is inside the City limits, the waiver of right to protest is of no value because the County does not have the right to do assessments. Olson moved, second by Hurlbut and carried that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, and sewer along Pioneer Circle as per Chapter 16.16 of the Rapid City Municipal Code 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 installation of additional pavement along Pioneer Circle as per Chapter 16.16 of the Rapid City Municipal Code be denied; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, and sewer along Bighorn Road as per Chapter 16.16 of the Rapid City Municipal Code 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; and, that the Variance to the Subdivision Regulations to waive the installation of pavement along Bighorn Road as per Chapter 16.16 of the Rapid City Municipal Code be denied.

The Mayor presented No. 06SV035, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, additional pavement, additional right-of-way and sewer as**

per **Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2 and 3, Seljeskog Subdivision, located in the SE1/4 NE1/4 NE1/4 SE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land described as the SW1/4 SE1/4 SE1/4 NE1/4; SE1/4 SW1/4 SE1/4 NE1/4; NW1/4 NE1/4 NE1/4 SE1/4; NE1/4 NW1/4 NE1/4 SE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2151 Skyline Ranch Road. Olson moved, second by Hurlbut that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and sewer as per Chapter 16.16 of the Rapid City Municipal Code be approved along the access easements; that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement to meet a required 20 foot width along the access easements be approved; and, that the Variance to the Subdivision Regulations to waive the requirement to install additional right-of-way along the access easements as per Chapter 16.16 of the Rapid City Municipal Code be denied. Hani Shafai, Dream Design International asked that this item be continued. Substitute motion was made by Hadcock, second by Okrepkie and carried to continue to the September 5, 2006 Council meeting.

The Mayor presented No. 06SV036, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks, street light conduit along East Anamosa Street; and, to waive the requirement to install curb, gutter, and sidewalks along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 3 of Block 2, LaGrand Subdivision, located in the NE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a Tract of land located in the NE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Beginning at the northeast corner of Section 4; Thence along the north line of Section 4 S89°43'48"W a distance of 124.58 feet, to a found pin and cap marked "LS 6251", the true point of beginning; Thence along the north line of Section 4 S89°46'10"W a distance of 541.59 feet, to a found pin and cap marked "LS 5680"; Thence S00°02'01"E a distance of 202.34 feet, to a found pin and cap marked "LS 6251"; Thence along the arc of a curve to the left whose radius points bears N13°38'28"E, having a radius of 925.00 feet, a central angle of 02°51'39" and an arc length of 46.19 feet; Thence N09°13'19"E a distance of 25.02 feet; Thence S80°46'41"E a distance of 50.00 feet; Thence S09°13'19"W a distance of 25.03 feet; Thence along the arc of a curve to the left whose radius points bears N07°40'58"E, having a radius of 925.00 feet, a central angle of 07°56'32" and an arc length of 128.22 feet; Thence N89°45'43"E a distance of 319.32 feet to a found pin and cap marked "LS 6251"; Thence N00°02'51"W a distance of 229.28 feet to the point of beginning. Said tract of land containing an area of 2.78 acres more or less, located at the northwest corner of the intersection of Elk Vale Road and East Anamosa Street. Olson moved, second by Okrepkie and carried to deny without prejudice.

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 and sewer along Doolittle Street as it abuts Block 55 of the amended Plat of Mahoney Addition, less the south 8.5 feet thereof, located in the SW1/4 SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota. (06SV045)

The Mayor presented No. 06SV045, a request by D. C. Scott Surveyors, Inc. for Doug Pokorney for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer; and to waive the requirement to provide a planting screen easement as per Chapter 16.16 of the Rapid City**

**Municipal Code** on Lots A and B, Block 55 of the amended Plat of Mahoney Addition, located in the SW1/4 SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 55 of the amended Plat of Mahoney Addition, less the south 8.5 feet thereof, located in the SW1/4 SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 222 Doolittle Street. Olson moved, second by Okrepkie and carried that the Variance to the Subdivision Regulations to waive the requirement to install pavement and sewer as per Chapter 16 of the Rapid City Municipal Code 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; and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and water as per Chapter 16 of the Rapid City Municipal Code be approved; and that the Variance to Subdivision Regulations to waive the requirement to provide a screen planting easement as per Chapter 16 of the Rapid City Municipal Code be denied without prejudice.

The Mayor presented No. 06SV046, a request by Centerline for Founder's Park, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to waive the requirement to install sidewalk on both sides of West Chicago Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 11, Founders Park Subdivision; and the dedicated public right-of-way, formerly the unplatted portion of the W1/2 NW1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NW1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Omaha Street and west of West Street. Olson moved, second by Hadcock and carried that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements be approved; and, that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk on both sides of West Chicago Street be approved with the following stipulation: 1. A sidewalk shall be provided along one side of the street.

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

Okrepkie moved, second by Hadcock to approve a request from Lise King, Native Voice Film Festival for funding of the 2006 festival in the amount of \$7,500; said funds to come from Council Contingency. Alderman Johnson indicated his opposition to the request, reminding the Council that the City has a subsidies process in place. He reported that the Council appropriates a certain amount to the subsidy, and the Subsidy Committee meets annually to review the requests that are ultimately awarded by the Council. Johnson suggested that it is a bad policy for the Council to encourage individual organizations to come directly before the Council to ask for money. He also pointed out that there are a number of unfunded mandates. Alderman Kooiker asked that agenda items not on the consent calendar list the recommendation coming from committee and the vote. In response to a question from Alderman Kooiker, the petitioner Lise King indicated that this is a one-time expenditure, and that the Native Voice Film Festival would be willing to submit an application to the Subsidy Committee. King suggested that if the community wants the film festival, it needs to be self-supporting. King explained that the Native Voice newspaper covers a lot of the overhead costs of the film festival. Aldermen Chapman, Hurlbut, Schumacher, and Hadcock and Mayor Shaw offered support for the request for funding. All spoke of the worthiness of the film festival, the social and economic impact, and a cultural opportunity. Alderman Kroeger indicated that the film festival is a good project; spoke of the same request made the previous year, and urged the organizers to follow the subsidy process.

Finance Officer Preston encouraged the Council not to consider the request outside the budget process and spoke of the \$1.4 Million of unfunded operational expenses.

Chapman moved, second by Hurlbut to call the question. Motion carried. Upon a vote to approve, the following voted AYE: Chapman, LaCroix, Hurlbut, Hadcock, Schumacher, and Kooiker; NO: Johnson, Okrepkie, Olson, and Kroeger. Motion carried.

Motion was made by Okrepkie, seconded and carried to table No. LF081606-15, a request by Dahl Fine Arts Center to waive the environment review fee in the amount of \$2,500 for the expansion project.

Motion was made by Okrepkie, and seconded to approve No. LF081606-02, a Resolution Declaring Property Surplus. Alderman Schumacher indicated concern over new equipment being surplus. Substitute motion was made by Kooiker, second by Schumacher to continue this item to the end of the meeting. Motion carried.

### **ORDINANCES & RESOLUTIONS**

**Ordinance No. 5177** (No. LF081606-08), Amending the Regulation of On-Site Wastewater Disposal and Treatment by Amending Section 13.09.800 of the Rapid City Municipal Code was introduced. Upon a motion made by Okrepkie, second by Olson that Ordinance No. 5177 be placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, September 5, 2006 at 7:00 P.M.

**Ordinance No. 5178** (No. 06RZ027), a request by Centerline, Inc. for Rapid City Area School District No. 51 for a **Rezoning from Public District to Low Density Residential District** on a parcel of land located in the NW1/4 NW1/4 NE1/4, Less right-of-way, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Enchanted Pines Drive and Fifth Street was introduced. Upon a motion made by Okrepkie, second by LaCroix and carried, Ordinance No. 5178 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Tuesday, September 5, 2006 at 7:00 P.M.

**Ordinance No. 5168** (No. LF080206-27), Regarding Supplemental Appropriation No. 4 for 2006 having passed first reading on August 7, 2006, it was moved by Okrepkie, second by LaCroix that the title be read the second time. Alderman Schumacher noted his opposition because of the increase in the Council's travel. Alderman Chapman recommended that the Council's travel be discussed during budget discussions. Upon a roll call vote being taken, the following voting AYE: Johnson, LaCroix, Okrepkie, Hurlbut, Hadcock, Olson, Kroeger, and Chapman; NO: Schumacher and Kooiker; whereupon the Mayor declared the motion passed and Ordinance No. 5168 was declared duly passed upon its second reading.

**Ordinance No. 5174** (No. LF080206-33), Adopting A New Municipal Code by Amending Section 1.01.010 of the Rapid City Municipal Code having passed first reading on August 7, 2006, it was moved by Okrepkie, second by Hurlbut that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5174 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on No. 06RZ021, second reading of **Ordinance No. 5170**, a request by FMG, Inc. for Bypass, LLC for a **Rezoning from General Commercial District to Light Industrial District** on that part of the SW1/4 NE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a 5/8" rebar with an aluminum survey cap at the center of Section 28, T2N, R8E, BHM; thence S89°48'22"E, 454.91 feet to a point on the east ¼ line of Section 28; thence N46°26'34"E, 535.17 feet to a point, said point being the intersection with a non-tangent curve; thence Northwesterly, 285.07 feet along a curve to the right, said curve having a radius of 717.59 feet, said curve having a chord bearing of N32°10'36"W, a chord distance of 283.20 feet, to a point, said point being the intersection of a non-tangent line; thence S48°44'38"W, 920.40 feet to a 5/8" rebar with an aluminum survey cap at the center of Section 28, T2N, R8E, BHM, at the point of beginning; all located within the SW1/4 NE1/4, Section 28, T2N, R8E, BHM. Said parcel containing 4.826 acres more or less, located north of Mall Drive and West of Elk Vale Road. Notice of hearing was published in the Rapid City Journal on July 22, 2006 and July 29, 2006. Ordinance No. 5170 having had the first reading on July 17, 2006, it was moved by Okrepkie, second by LaCroix that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5170 the second time.

The Mayor announced the meeting was open for hearing on No. 06RZ025, second reading of **Ordinance No. 5175**, a request by Lise Balk-King and Leslie Odegaard for a **Rezoning from High Density Residential District to Neighborhood Commercial District** on Lots 19 thru 24, Boulevard Addition, Block 3, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1011, 1015, 1019 and 1021 St. Joseph Street. Notice of hearing was published in the Rapid City Journal on August 12, 2006 and August 19, 2006. Ordinance No. 5175 having had the first reading on August 7, 2006, it was moved by Okrepkie, second by Hadcock to deny without prejudice. Motion carried unanimously.

The Mayor announced the meeting was open for hearing on No. 06RZ026, second reading of **Ordinance No. 5176**, a request by Frank Lawton for Executive Homes, Inc. for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Bunker Drive. Notice of hearing was published in the Rapid City Journal on August 12, 2006 and August 19, 2006. Ordinance No. 5176 having had the first reading on August 7, 2006, it was moved by Okrepkie, second by Hurlbut that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5176 the second time.

### **CONTINUED ITEMS CONSENT CALENDAR** – Items 27-44

Johnson moved, second by Hadcock and carried to continue the items as indicated.

Continue the following items until September 5, 2006:

27. No. 06AN003 - A request by Dream Design International, Inc. for a **Petition for Annexation** on the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of Elk Vale Road, northeast of Old Folsom Road and south of Elks Country Estates.

28. No. 06CA018 - A request by Dream Design International for an **Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Low Density Residential with a Planned Residential Development** on the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of Elk Vale Road, northeast of Old Folsom Road and south of Elks Country Estates.
29. No. 06CA019 - A request by Barbara Fierro for WellSpring, Inc. and Calvary Lutheran Church for an **Amendment to the Comprehensive Plan to change the Long Range Comprehensive Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development** on Lots 2 thru 15, 18 thru 23, 24 thru 34, Block 9, The Cottonwoods Subdivision, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3402 Cottonwood Street.
30. No. 06PL074 - A request by Wyss Associates, Inc. for WEB Land Holdings, LLC for a **Layout Plat** on Lots 1 thru 5, Skyline Pines East, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 SE1/4, less Walpole Heights Subdivision, and less right-of-way, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Mount Rushmore Road and Tower Road.
31. No. 06PL082 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1, 2 and 3, Seljeskog Subdivision, located in the SE1/4 NE1/4 NE1/4 SE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land described as the SW1/4 SE1/4 SE1/4 NE1/4; SE1/4 SW1/4 SE1/4 NE1/4; NW1/4 NE1/4 NE1/4 SE1/4; NE1/4 NW1/4 NE1/4 SE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2151 Skyline Ranch Road.
32. No. 06PL087 - A request by Centerline, Inc. for PLM Development, LLC for a **Preliminary Plat** on Lots 16 thru 35, Block 1; Lots 17 thru 38, Block 2; and Lots 1 thru 6 in Block 4, formerly a parcel of land located in the NW1/4, Section 24; and the SW1/4 SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NW1/4, Section 24; and the SW1/4 SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Minnesota Street and West of Fifth Street.
33. No. 06PL090 - A request by Dream Design International for a **Preliminary Plat** on Lots 1 thru 5 of Block 1, Lots 1 thru 10 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 and 26 of Block 6, Lot 1 of Block 7, Lots 1 and 36 thru 41 of Block 8, Lots 1 thru 11 of Block 9, Lots 1 thru 13 of Block 10, Lots 1 thru 30 of Block 11 and Lot A and Lots 1 thru 23 of Block 12 and Dedicated Right-of-Way located in the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, located east of the intersection of Elk Vale Road and Old Folsom Road.
34. No. 06PL101 - A request by Sperlich Consulting, Inc. for Lifestyle Homes for a **Preliminary Plat** on Lots 6A, 6B, 8A & 8B, Block 18, Trailwood Village, formerly Lots 6

and 8, Block 18, Trailwood Village, located in the E1/2 SE1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 6 and 8, Block 18, Trailwood Village, located in the E1/2 SE1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located between Savannah Street and Reservoir Road and south of Mercury Drive.

35. No. 06PL102 - A request by Centerline, Inc. for Rapid City Area School District for a **Preliminary Plat** on Lots 1 thru 6, Block 3, located in the NW1/4 NW1/4 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in NW1/4 NW1/4 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Fifth Street and Enchanted Pines Drive.
36. No. 06PL103 - A request by CETEC Engineering, Inc. for Park Hill Development, Inc. for a **Preliminary Plat** on Lots 18 thru 35, Block 2; Lots 14 thru 25, Block 5; and the dedicated public right-of-way, Park Meadows Subdivision, located in the SW1/4 NE1/4, SE1/4 NE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 NE1/4, SE1/4 NE1/4, less the Right-of-Way, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Smith Avenue.
37. No. 06PL114 - A request by Renner & Associates for ARC International for a **Preliminary Plat** on Lot 3, Barnhart Addition, formerly the residual portion of Lots B and C, located in the SW1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the residual portion of Lots B and C, located in the SW1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2990 East Highway 44.
38. No. 06PL117 - A request by Ferber Engineering Co, Inc. for FMLC, Inc. for a **Preliminary Plat** on Lots 1 and 2, East Mall Business Center Subdivision, formerly a parcel of land located in the NE1/4, Section 30, lying north of Rushmore Mall Drive; Lot C of Lot L2, less Lot H1 and W1/2 vacated March Avenue adjacent to Lot C; and the unplatted part of the W1/2 NE1/4, lying south of Rushmore Mall Drive and the E1/2 vacated March Avenue, all located in the NE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NE1/4, Section 30, lying north of Rushmore Mall Drive; Lot C of Lot L2, less Lot H1 and W1/2 vacated March Avenue adjacent to Lot C; and the unplatted part of the W1/2 NE1/4, lying south of Rushmore Mall Drive and the E1/2 vacated March Avenue, all located in the NE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Mall Drive and LaCrosse Street.
39. No. 06RZ019 - A request by Dream Design International for a **Rezoning from No Use District to Low Density Residential District** on the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of Elk Vale Road, northeast of Old Folsom Road and south of Elks Country Estates.
40. No. 06RZ020 - A request by Barbara Fierro for WellSpring, Inc. and Calvary Lutheran Church for a **Rezoning from Medium Density Residential District to Office Commercial District** on Lots 2 thru 15, 18 thru 23, 24 thru 34, Block 9, The Cottonwoods

Subdivision, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3402 Cottonwood Street.

41. No. 06SV012 - A request by Sperlich Consulting, Inc. for Sharon Norman for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Old Folsom Road, the Section Line Highway(s), the collector street and Norman Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 4A, 4B and 5R of Judicial Lot 4; and Lots 6 thru 17, Norman Ranch Subdivision, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lots 4 and 5 of Judicial Lot 4 of Norman Ranch Subdivision; the N1/2 SW1/4; the NW1/4 SE1/4 lying southwest of Old Folsom Road less the south 99 feet of NW1/4 SE1/4; the N1/2 N1/2 SE1/4 SW1/4; the W1/2 SW1/4 SW1/4; the N1/2 NE1/4 SW1/4 SW1/4; the west 220 feet of the S1/2 NE1/4 SW1/4 SW1/4; and the west 220 feet of SE1/4 SW1/4 SW1/4; all located in Section 28, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Highway 79 and Old Folsom Road.
42. No. 06SV030 - A request by Wyss Associates, Inc. for WEB Land Holdings, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Fairmont Boulevard and to waive the requirement to install curb, gutter, sidewalk, street light conduit and to reduce right-of-way width from 52 feet to 49 feet and to reduce pavement width from 27 feet to 24 feet along Pevans Parkway as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 5, Skyline Pines East, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 SE1/4, less Walpole Heights Subdivision, and less right-of-way, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Mount Rushmore Road and Tower Road.
43. No. 06SV032 - A request by Robert and Jeanine Nikolas for a **Variance to the Subdivision Variance 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 Lots 21A, 21B and 21C of Block 2, Moon Meadows Estates, formerly Lot 21, Block 2, Moon Meadows Estates, Section 33, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 21, Block 2, Moon Meadows Estates, Section 33, T1N, R7E, BHM, Pennington County, South Dakota, located at 4265 Moon Meadows Drive.
44. No. 06SV039 - A request by Dream Design International for a **Variance to the Subdivision Regulations to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 5 of Block 1, Lots 1 thru 10 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 and 26 of Block 6, Lot 1 of Block 7, Lots 1 and 36 thru 41 of Block 8, Lots 1 thru 11 of Block 9, Lots 1 thru 13 of Block 10, Lots 1 thru 30 of Block 11 and Lot A and Lots 1 thru 23 of Block 12 and Dedicated Right-of-Way located in the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, located east of the intersection of Elk Vale Road and Old Folsom Road.

End of Continued Items Consent Calendar

**CONSENT CALENDAR ITEMS** – 45-80

The following items were removed from the Consent Calendar:

- 50. No. 06TP016 Final **Rapid City Area Transportation Improvement Program** (Fiscal Years 2007-2011).
- 69. No. 06PL003 - A request by Dream Design International, Inc. for a **Preliminary Plat** on the northern terminus of Dunsmore Road.
- 74. No. 06PL097 - A request by Centerline, Inc. for Magheramore, LLC for a **Preliminary Plat** on southeast of the intersection of Old Folsom Road and Lamb Road.

Johnson moved, second by Chapman and carried to approve the following items as they appear on the Consent Calendar.

***Set for Hearing (September 18, 2006)***

- 45. No. 06VR007 - A request by Centerline, Inc. for Rapid City Area School District No. 51 for a **Vacation of Section Line Right-of-Way** on Section line Right-of-Way lying in the SW1/4 SW1/4 SE1/4, Section 13, and the NW1/4 NW1/4 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Fifth Street and north of Enchanted Pines Drive.

***Public Works Committee Consent Items***

- 46. No. PW081506-02 Authorize staff to advertise for bids for Mt. View Road Utility Reconstruction, Jackson Blvd. to Omaha Street Project No. W05-1342; CIP #50350.
- 47. No. PW081506-03 Authorize the Mayor and Finance Officer to sign a Professional Services Agreement with MWH Soft, Inc. for Utility System Master Plan Phase II Water and Wastewater Modeling Software; Project No. PW05-1447 for an amount not to exceed \$18,040.00.
- 48. No. PW081506-04 Authorize the Mayor and Finance Officer to sign an amendment to the Professional Services Agreement with enVision Design Inc. for Red Rock Water Storage Reservoir, City of Rapid City Project No. W02-1184; CIP #50284 for an amount not to exceed \$92,223.00.
- 49. No. PW081506-05 Authorize staff to solicit Requests for Proposals for Engineering Services for the Rapid City Major Drainage Overview Report.

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

- 51. No. LF081606-01 Approve appointment of Tim Baumgartner and Steve Struble to the City Electrical Board.
- 52. Authorize staff to over-hire three police officers due to military deployments.
- 53. No. LF081606-19 Authorize Mayor & Finance Officer to sign contract with HDR, Inc. for an amount not to exceed \$94,000 for Basin Electric Intertie Study Area.
- 54. No. LF081606-03 Approve Resolution Writing Off Uncollectible Accounts Receivable Accounts.

RESOLUTION WRITING OFF UNCOLLECTIBLE  
ACCOUNTS RECEIVABLE ACCOUNTS

WHEREAS the City Finance Office has determined that certain accounts receivable accounts, shown on Appendix A, and totaling \$10,425.05 are uncollectible, and

WHEREAS it is necessary to relieve the accounts receivable of the City of Rapid City for these accounts

NOW, THEREFORE, BE IT RESOLVED that the City Finance Officer be directed to remove such accounts of the City, said accounts being detailed in the official files of the Finance Office.

Dated this 21<sup>st</sup> day of August, 2006.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

55. No. LF081606-18 Approve Change Order No. 1 for Rushmore Plaza Civic Center Multipurpose Addition – bid package 1, Project No. IDP06-1555 with Heavy Constructors, Inc. for an increase of \$138,199.54.
56. No. LF081606-04 Authorize Mayor and Finance Officer to sign Maintenance Agreement with Best Business Product, Inc. for copier for Code Enforcement.
57. No. LF081606-05 Acknowledge request from CASA Program to hold raffle on December 23, 2006.
58. No. LF081606-06 Acknowledge request from Festival of Trees to hold raffle on November 17-18, 2006.
59. No. LF081606-07 Acknowledge request from The Spine Center at Rapid City and Grace United Methodist Church to hold raffle in September, 2006.
60. No. LF081606-09 Authorize Mayor and Finance Officer to sign Agreement between the City of Rapid City and Western Dakota Technical Institute for the Construction and Joint Use of a Burn Training Facility.
61. Direct the City Attorney's office to send a letter to the County Commissioners, immediately, requesting discussion with them on consolidation of the Boards of Equalization.
62. No. LF081606-10 Approve Travel Request for Jason Green and Barbara Garcia to attend HUD Entitlement Grant Management Training in Beaumont, TX, October 17-18, 2006, in an approximate amount of \$2,278.
63. No. LF081606-11 Approve Rapid City Neighborhood Restoration Program, Policy and Procedures.
64. No. LF081606-12 Authorize Mayor and Finance Officer to sign Agreement between the City of Rapid City and United Way of the Black Hills to complete a community needs assessment for an amount not to exceed \$10,000.
65. No. LF081606-13 Approve and authorize Mayor and Finance Officer to sign Amendment to the FY 2005 Community Development Block Grant Annual Action Plan and Contract between the City of Rapid City and Lutheran Social Services to extend the grant period for expenditure of funds and revise the description of work.
66. No. LF081606-14 Approve and authorize Mayor and Finance Officer to sign an Amendment to the FY 2005 Community Development Block Grant Annual Action Plan

and Contract between the City of Rapid City and Black Hills Area Habitat for Humanity to extend the grant period for expenditure of funds and revise the description of work to include renovation costs of properties for sale to low income households.

67. No. LF081606-16 Approve abatement for Barbara E. Kelly Van Ekeren, Morningside Subdivision, Block 8, Lots 5-6, \$3,858.02.
68. Approve the following licenses: Mechanical Apprentice: Jesse Anderson and Kerry Kurowski; Mechanical Contractor: Rick Morford, J-Berd Mechanical; Mechanical Installer: Eric Stearns; Electrical Apprentice: Alex William; Electrical Journeyman: Jeremiah Keller; Central Station Service: Security Central, Inc., Jordan Jackson, Owner; Security Business: The Wackenhut Corporation, Andrew L Eisaman; Sewer and Water Contractor: Kyle Nelsen, Nelsen Construction; Dane Sundstrom, XCEL Demolition.

### ***Growth Management Department Consent Items***

70. No. 06PL069 - A request by Patricia Jo Meredith for a **Layout Plat** on Lots 1 and 3, Meredith Subdivision, located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, located northwest of the intersection of Pioneer Circle and Clarkson Road. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval; 2. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; 3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If on-site wastewater treatment systems are proposed then information on depth and type of soil, and capacity of septic tanks proposed must be submitted for review and approval and percolation tests demonstrating that the soils are suitable for on-site wastewater treatment systems be submitted for review and approval; 4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. 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 particular, the water system shall be constructed and designed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed; 5. Upon submittal of a Preliminary Plat application, road construction plans for Pioneer Circle shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 6. Upon submittal of a Preliminary Plat application, road construction plans for that portion of Bighorn Road located east of the subject property extending west from the south side of the subject property. In particular, the road construction plans shall show

the street located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 7. Upon submittal of a Preliminary Plat application, a Wildland Fuel Mitigation plan be submitted for review and approval; 8. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; and, 9. 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.)

71. No. 06PL071 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1A, 1B, 1C and 1D of Starlite Subdivision, formerly Lot 1, Starlite Subdivision, located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Starlite Subdivision, located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of Beale Street and Dyess Avenue and north of Emlin Street. (APPROVE 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, 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 or surety shall be posted for the design and construction of the sewer upon submittal of a Final Plat. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In addition, the on-site wastewater systems shall be designed to allow the connection to a central sewer system when it becomes available; 3. Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains and service lines along Dyess Avenue and Beale Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to Preliminary Plat approval by the City Council, a pavement design with supporting geotechnical information shall be submitted for review and approval; 5. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall include calculations demonstrating that discharge from any site facilities will result in net drainage basin run-off not exceeding pre-development flow rates or local detention facilities shall be provided or expanded as necessary. In addition, the plat document shall be revised to provide drainage easements as necessary; 6. Prior to Preliminary Plat approval by the City Council, a grading and erosion control plan shall be submitted for review and approval; 7. Prior to Preliminary Plat approval by the City Council, road construction plans for Emlin Street shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained; 8. Prior to Preliminary Plat approval by the City Council, road construction plans for Dyess Avenue shall be submitted for review and approval. In particular, the construction plans shall show the street 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; 9. Prior to Preliminary Plat approval by the City Council, road construction plans for Beale Street shall be submitted for review and approval. In particular, the construction plans shall show the street 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; 10. Prior to Preliminary Plat approval by the City Council, Approach Permit(s) shall be obtained from the South Dakota Department of Transportation as needed; 11. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 12. Prior to submittal of a Final Plat application, the applicant shall enter into an agreement to abandon the on-site wastewater systems in compliance with the South Dakota Department of Environment and Natural Resources requirements and to connect to the City sewer system when it becomes available within 500 feet of the property; 13. Prior to submittal of a Final Plat, the plat document shall be revised to show a 115 foot non-access easement along the corner of Lot 1A as it abuts Dyess Avenue and Eglin Street. In addition, a non-access easement shall be shown along Beale Street; 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.)

72. No. 06PL083 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lot 3 of Block 2, LaGrand Subdivision, located in the NE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a Tract of land located in the NE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Beginning at the northeast corner of Section 4; Thence along the north line of Section 4 S89°43'48"W a distance of 124.58 feet, to a found pin and cap marked "LS 6251", the true point of beginning; Thence along the north line of Section 4 S89°46'10"W a distance of 541.59 feet, to a found pin and cap marked "LS 5680"; Thence S00°02'01"E a distance of 202.34 feet, to a found pin and cap marked "LS 6251"; Thence along the arc of a curve to the left whose radius points bears N13°38'28"E, having a radius of 925.00 feet, a central angle of 02°51'39" and an arc length of 46.19 feet; Thence N09°13'19"E a distance of 25.02 feet; Thence S80°46'41"E a distance of 50.00 feet; Thence S09°13'19"W a distance of 25.03 feet; Thence along the arc of a curve to the left whose radius points bears N07°40'58"E, having a radius of 925.00 feet, a central angle of 07°56'32" and an arc length of 128.22 feet; Thence N89°45'43"E a distance of 319.32 feet to a found pin and cap marked "LS 6251"; Thence N00°02'51"W a distance of 229.28 feet to the point of beginning. Said tract of land containing an area of 2.78 acres more or less, located at the northwest corner of the intersection of Elk Vale Road and East Anamosa Street. (DENY PRELIMINARY PLAT WITHOUT PREJUDICE AT THE APPLICANT'S REQUEST.)
73. No. 06PL091 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Tract J, McMahan Subdivision, located in the NE1/4 SW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of land located in the NE1/4 SW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and south of Kathryn Avenue. (DENY PRELIMINARY PLAT WITHOUT PREJUDICE.)

75. No. 06PL104 - A request by D. C. Scott Surveyors, Inc. for William M. Jobgen for a **Preliminary Plat** on Lots 1 and 2 of Lot 6, Pleasant View Subdivision, located in the S1/2 SE1/4, Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6, Pleasant View Subdivision, located in the S1/2 SE1/4, Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located at 3009 Crane Drive. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by City Council, road construction plans showing the installation of curb, gutter, sidewalk, street light conduit, water, sewer and additional four feet of pavement width along Crane Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Preliminary Plat approval by City Council, a revised site plan showing all utilities shall be submitted for review and approval; 3. Prior to Preliminary Plat approval by City Council, plans for the septic system shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by City Council, a site plan shall be submitted for review and approval showing approach locations constructed to Pennington County standards; 5. 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"; 6. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 7. Prior to Preliminary Plat approval by City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval.)
76. No. 06PL106 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 and 2, Block 1, Buehner Subdivision, located in the W1/2 W1/2 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the W1/2 W1/2 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, located at the terminus of Limelight Lane. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council , a geotechnical report including pavement design must be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Preliminary Plat approval by the City Council, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented; 3. Prior to Preliminary Plat approval by the City Council , 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; 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 Preliminary Plat approval by the City Council, road construction plans for the section line highways located along the south and west lot lines shall be submitted for review and approval. In particular, the road construction plans shall show the section line highways constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highways shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highways or a Variance to the Subdivision Regulations shall be obtained to allow platting of a half a right-of-way; 6. Prior to

Preliminary Plat approval by the City Council, 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; 7. Prior to Preliminary Plat approval by the City Council, 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; 8. Prior to Preliminary Plat approval by the City Council, 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; 9. Upon submittal of a Final Plat application, a road maintenance agreement for Limelight Lane shall be submitted for review and approval; 10. 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"; 11. Upon submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates; and, 12. 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.)

77. No. 06PL109 - A request by D. C. Scott Surveyors, Inc. for Doug Pokorney for a **Preliminary Plat** on Lots A and B, Block 55 of the amended Plat of Mahoney Addition, located in the SW1/4 SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 55 of the amended Plat of Mahoney Addition, less the south 8.5 feet thereof, located in the SW1/4 SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 222 Doolittle Street. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by City Council, construction plans for Doolittle Street showing the street constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; and, 2. 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.)

78. No. 06PL115 - A request by Centerline for Founders Park, LLC for a **Preliminary Plat** on Lots 1 thru 11, Founders Park Subdivision; and the dedicated public right-of-way, formerly the unplatted portion of the W1/2 NW1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NW1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Omaha Street and west of West Street. (APPROVE 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, road construction plans for the access and utility easement(s) shall be submitted for review and approval. In particular, the construction plans shall show the streets 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; 3. Prior to Preliminary Plat approval by the City Council, road construction plans showing sidewalk along both sides of W. Chicago Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to submittal of a Final Plat application, the plat document shall be revised showing the northern 230 feet of W. Chicago Street as right-of-way in lieu of a public access and major utility easement or an Exception shall be obtained to allow an easement to serve more than four lots or this portion of the property shall be removed from the plat document. In addition, that portion of the right-of-way located on the adjacent property shall be included on this plat or the right-of-way shall be dedicated on a separate plat document or as an H Lot; 5. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 6. Prior to submittal of a Final Plat application, the plat document shall be revised reducing the width of the proposed access easements to include the 26 foot wide access aisle only or upon submittal of an Initial and Final Planned Unit Development application, the site plan shall be revised eliminating parking from the access easement(s); 7. Prior to submittal of a Final Plat application, an alternate street name for W. Chicago Street as it extends west from the intersection of N. 12th Street through the subject property shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name; 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show the book and page of the previously vacated "West Street Right-of-way"; and, 9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been designed and completed shall be posted and the subdivision inspection fees shall be paid.)
79. No. 06PL116 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Tract E-3R, McMahon Subdivision, located in the NE1/4 SW1/4, Section 24, T2N, R7E, formerly Tract E-3, McMahon Subdivision, and a portion of the unplatted balance of the NE1/4 SW1/4, Section 24, located in the NE1/4 SW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract E-3, McMahon Subdivision, and a portion of the unplatted balance of the NE1/4 SW1/4, Section 24, located in the NE1/4 SW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and south Kathryn Avenue. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. A

grading plan shall be submitted for review and approval prior to issuance of a building permit; 2. Prior to Preliminary Plat approval by City Council, a revised plan be submitted for review and approval showing the size of the proposed sanitary service; 3. Prior to Preliminary Plat approval by City Council, a revised plan shall be submitted for review and approval dedicating the required non-access easements; 4. Prior to Preliminary Plat approval by City Council, a revised plan shall be submitted for review and approval with the correct legal description; and, 5. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

80. No. 06PL122 - A request by Cedar Hill Corporation for a **Preliminary Plat** on Lots 8 thru 11, Block 7; Lots 9 thru 11, Block 10; and Lots 6 thru 9, Block 8, all of CHMH Subdivision and Dedicated Public Right-of-Way show as Brooke Street and Sagewood Street, all located in the NW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the intersection of Sagewood Street and Brooke Street. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, a site plan showing service line location(s) to the individual lots shall be submitted for review and approval; 2. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along the first 50 feet all corner lots in lieu of 40 feet; and, 3. Prior to submittal of a Final Plat application, a stop sign shall be installed at the intersection of Brooke Street and Sagewood Street or surety shall be posted for the improvement.)

END OF CONSENT CALENDAR

The Mayor presented No. 06TP016, final **Rapid City Area Transportation Improvement Program** (Fiscal Years 2007-2011). Growth Management Director Elkins indicated that the State Department of Transportation staff requested changes to the program that included corrections, inclusion of numbers, changes in dollar amounts, and added projects. Elkins distributed a handout on the preliminary cost estimates / funding projections for Mall Drive and East Anamosa Street; and indicated that the City has earmarked funds for these projects. Elkins indicated that there is some shortfall based on escalating costs; and that the City anticipates only receiving about 85% of the federal dollars that were allocated. Elkins asked that the Mall Drive / East Anamosa Street project costs / funding be referred to the Public Works Committee for further discussion. Chapman moved, second by Okrepkie to approve the final Rapid City Area Transportation Improvement Program with the revisions as outlined; and to refer the preliminary cost estimates / funding projections for Mall Drive and East Anamosa Street to the Public Works Committee for further discussion. In response to a question from Alderman Kooiker about Elks Country Estates / Plum Creek Development, Elkins explained that the second access to these developments is not included in the Transportation Improvement Program; and indicated it would not be appropriate to add the project to the transportation improvement program because this program is primarily DOT funded projects and projects that are on the major street plan as a federal highway system project. Relative to the second access from Plum Creek to the SE Connector, Elkins indicated that permission has been given by the State Department of Transportation, for a two-year period, to have a temporary second access. Elkins stressed that the access will not be allowed as a permanent access. Elkins suggested that the real solution to that problem is the construction of Minnesota Street. She indicated that if

Council wished, Public Works would be the appropriate place to bring forward a discussion for options. Upon a vote being taken on the motion to approve, motion carried.

The Mayor presented No. 06PL003, a request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 10 thru 21 of Block 2; Lots 2 thru 8 of Block 9; Lots 1 thru 4 of Block 13 of Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 of the NW1/4 of the NW1/4 of Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Dunsmore Road. Growth Management Director Elkins indicated that she received an e-mail from Bob Borgmeyer, who is concerned about the impact of the development on the section line highway. Elkins indicated that she reviewed the stipulations; noted that inadvertently, there has not been a provision for the dedication of the section line highway even though it was shown as a section line highway on the plat documents. Elkins explained that she spoke with the applicant's engineer, and they are in agreement with approval with stipulations, with one additional stipulation to require that the section line highway be dedicated as right-of-way on the final plat. Johnson moved, second by Hadcock to approve No. 06PL003, a request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 10 thru 21 of Block 2; Lots 2 thru 8 of Block 9; Lots 1 thru 4 of Block 13 of Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 of the NW1/4 of the NW1/4 of Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Dunsmore Road with the following stipulations: 1. Prior to Preliminary Plat approval by City Council, road construction plans showing the installation or curb, gutter, street light conduit, water, sewer and pavement along the section line highway shall be submitted for review and approval as identified or the section line highway shall be vacated, or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Final Plat approval, the lift station lot and warranty deed shall be transferred to the City of Rapid City; 3. An exception to the Street Design Criteria Manual to allow a reduction to the non-access easement from 50 feet to 40 feet along Quiment Court and Vardon Court is hereby granted; 4. Prior to Preliminary Plat approval by City Council, building envelopes for all lots shall submitted for review and approval; 5. Prior to start of construction an Air Quality Permit shall be obtained; 6. Prior to Preliminary Plat approval by City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Growth Management Department; 8. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 9. Prior to Preliminary Plat approval by City Council, additional drainage information shall be submitted for review and approval. 10. Prior to Preliminary Plat approval by City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 11. Prior to Preliminary Plat approval by City Council, the Preliminary Plat shall be revised to show non-access easements the length of Lot 1 Block 13, Lot 3, 7 and 8, Block 9 as the abut Cog Hill Lane. 12. Prior to Preliminary Plat approval by City Council, a utilities distribution sheet signed by the appropriate representative shall be submitted for review and approval; and; 13. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and that the section line highway be dedicated as right-of-way on the final plat.

The Mayor presented No. 06PL097, a request by Centerline, Inc. for Magheramore, LLC for a **Preliminary Plat** on Lots 1 thru 18, Darlington Estates, formerly that portion of the NE1/4 lying

west of the Railroad Right-of-Way; located in the N1/2 NW1/4, Section 34, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as that portion of the NE1/4 lying west of the Railroad Right-of-Way; located in the N1/2 NW1/4, Section 34, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Old Folsom Road and Lamb Road. Hadcock moved, second by Olson and carried to continue to the September 5, 2006 Council meeting.

### **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. City Attorney Green asked that the applications for Black Hills Coffee Company be continued as the Conditional Use Permits have not been issued. Olson moved, second by Johnson and carried to close the public hearing.

Okrepkie moved, second by Johnson and carried to approve the following alcohol license applications:

81. Jim Buchli dba **Rushmore Sinclair**, 2420 Mt. Rushmore Road for a Package (Off Sale) Malt Beverage License
82. **Scottish & Irish Society** for a special Beer License for an event scheduled September 1 & 2, 2006 in Memorial Park

Okrepkie moved, second by Johnson and carried to continue the following alcohol license applications to the September 5, 2006 Council meeting.

83. Black Hills Coffee Company dba **Black Hills Coffee Company**, 5955 S. Hwy 16, Suite G for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
84. Black Hills Coffee Company dba **Black Hills Coffee Company**, 5955 S. Hwy 16, Suite G for a Retail (On-Sale) Wine License

### ***Set for Hearing (September 5, 2006)***

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

85. **Rapid City Fine Arts Center, Inc.** for a special Wine License for an event scheduled September 12, 2006 at the Dahl Arts Center, 713 7<sup>th</sup> Street
86. **Rapid City Fine Arts Center, Inc.** for a special Beer & Wine License for an event scheduled October 5, 2006 at the Dahl Arts Center, 713 7<sup>th</sup> Street
87. **Rapid City Fine Arts Center, Inc.** for a special Beer & Wine License for an event scheduled October 6, 2006 at the Dahl Arts Center, 713 7<sup>th</sup> Street
88. **Rapid City Fine Arts Center, Inc.** for a special Beer & Wine License for an event scheduled October 13, 2006 at the Dahl Arts Center, 713 7<sup>th</sup> Street
89. **Rapid City Fine Arts Center, Inc.** for a special Beer & Wine License for an event scheduled October 20, 2006 at the Dahl Arts Center, 713 7<sup>th</sup> Street
90. **Rapid City Fine Arts Center, Inc.** for a special Beer & Wine License for an event scheduled October 21, 2006 at the Dahl Arts Center, 713 7<sup>th</sup> Street

91. **Rapid City Fine Arts Center, Inc.** for a special Beer & Wine License for an event scheduled December 1, 2006 at the Dahl Arts Center, 713 7<sup>th</sup> Street

### **ITEMS FROM COUNCIL MEMBERS/LIAISON REPORTS**

Alderman Hadcock indicated concern about the safety of changing fire codes to meet citizens' needs, instead of safety needs. Hadcock indicated that the Development Appeals Review Board (DARB) is overturning a lot of sprinkler requirements and other different things to do with fire codes. Hadcock suggested that fire code issues possibly come before the City Council. Hadcock moved, second by Chapman to refer the Fire Code Appeal to the August 30, 2006 Legal & Finance Committee meeting for further discussion. Motion carried.

Alderman Hadcock indicated that the Planning Commission is looking for direction from the City Council relative to the On-Premise LED signs, as well as sign codes in general to see what is legal and what is not legal. Hadcock indicated that she had asked to have this added to the Off-Premise Sign Code discussion.

### **BID AWARDS**

The following companies submitted bids for No. CC082106-02 Downtown Area Improvements Project, Phase 1A -- 1st to 2nd Street Alley Sanitary Sewer Improvements Project No. ST04-1170 / CIP No. 50627 opened August 15, 2006: Mainline Contracting, Inc., and Hills Materials Company. Staff reviewed the bids and recommends the bid award be continued to the September 5, 2006 Council meeting; whereupon Johnson moved, second by Olson and carried to approve the continuation.

The following companies submitted bids for No. CC082106-02 2006 Neighborhood Mill & Overlay Projects - Various Locations Project No. ST06-1573 / CIP No. 50636 opened August 15, 2006: Simon Contractors of SD, Inc., and Hills Materials Company. Staff reviewed the bids and recommends the bid award to Simon Contractors of SD, Inc. Johnson moved, second by Olson and carried to approve the bid award for the Neighborhood Mill & Overlay Projects - Various Locations Project No. ST06-1573, to the lowest responsible bidder meeting specifications, Simon Contractors of SD, Inc. for the low unit prices bid for a total contract amount of \$214,471.50.

The following companies submitted bids for No. CC082106-02 Tennis Courts and Play Courts Surfacing Project No. PR06-1584 / CIP No. 50538 & 50656 opened August 15, 2006: Janco Athletic Surfacing and Recreational Surfacers, Inc. Staff reviewed the bids and recommends the bid award to Janco Athletic Surfacing. Johnson moved, second by Okrepkie and carried to approve the bid award for the Tennis Courts and Play Courts Surfacing Project No. PR06-1584 to the lowest responsible bidder meeting specifications, Janco Athletic Surfacing for the low unit prices bid for a total contract amount of \$36,568.00.

The following companies submitted bids for No. CC082106-02 Halley Park Irrigation System and Sidewalk Reconstruction Project No. PR06-1588 / CIP No. 50042 opened August 15, 2006: Sprinkler Guys, Inc., Carefree Lawn, Inc., Simon Contractors of SD, Inc., and Shamrock Enterprises, Inc. Staff reviewed the bids and recommends the bid award to Sprinkler Guys, Inc. Hadcock moved, second by Okrepkie and carried to approve the bid award for the Halley Park Irrigation System and Sidewalk Reconstruction Project No. PR06-1588 to the lowest responsible

bidder meeting specifications, Sprinkler Guys, Inc. for the low unit prices bid for a total contract amount of \$74,897.29.

The following companies submitted bids for No. CC082106-02 Metering and Backflow Prevention of City Facilities Project No. W06-1589 / CIP No. 50304 opened August 15, 2006: Action Mechanical, Sprinkler Guys, Inc., Carefree Lawn, Inc., and Shamrock Enterprises, Inc. Staff reviewed the bids and recommends the bid award to Shamrock Enterprises, Inc. Johnson moved, second by LaCroix and carried to approve the bid award for the Metering and Backflow Prevention of City Facilities Project No. W06-1589 to the lowest responsible bidder meeting specifications, Shamrock Enterprises, Inc. for the low unit prices bid for a total contract amount of \$14,980.00.

### **APPROVAL OF BILLS**

The following bills having been audited, it was moved by Okrepkie, second by Chapman and carried with Schumacher voting NO, to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof:

|  |                     |
|--|---------------------|
| Payroll Paid Ending 08-05-06, Paid 08-11-06        | 780,476.73          |
| Payroll Paid Ending 08-05-06, Paid 08-11-06        | 3,425.60            |
| Pioneer Bank, Taxes Paid 08-11-06                  | 188,526.70          |
| Pioneer Bank, Taxes Paid 08-11-06                  | 236.69              |
| First Administrators, claims paid 08-09-06         | 95,741.33           |
| First Administrators, claims paid 08-15-06         | 29,816.51           |
| Berkley Risk Administrators, July claims           | 26,468.60           |
| South Dakota Department of Revenue, July sales tax | 33,411.44           |
| South Dakota Retirement System, July retirement    | 339,122.68          |
| Black Hills Power & Light, electricity             | 26,776.29           |
| West River Electric Association, electricity       | 13,912.25           |
| United States Postmaster, postage                  | 1,800.00            |
| Computer Bill List                                 | <u>4,838,668.71</u> |
| Subtotal   | \$6,378,383.53      |

|   |                |
|---|----------------|
| Payroll Paid Ending 08-05-06, Paid 08-11-06     | 2,634.04       |
| Pioneer Bank, Taxes Paid 08-11-06               | 201.49         |
| South Dakota Retirement System, July retirement | 196.58         |
| Career Learning Center, clerical assessment     | 30.00          |
| City of Rapid City, postage                     | 1.04           |
| City of Rapid City, health insurance            | 440.00         |
| Conoco Phillips, gasoline                       | 136.58         |
| HSBC Business Solutions, printer                | 129.99         |
| Prairie Wave Communications, telephone          | 23.85          |
| Rushmore Plaza Holiday Inn, recognition dinner  | 2,569.69       |
| Standard Life, life insurance                   | <u>3.50</u>    |
| Total   | \$6,384,750.29 |

### **POLICE DEPARTMENT ITEMS**

Johnson moved, second by Olson to uphold the denial of a Security License for Warren Hotchkiss (No. CC082106-03). Warren Hotchkiss, Rapid City explained that for the last several years, he has had a full-time job and being a security guard is a good part-time job to supplement his income. Hotchkiss suggested that arrests and convictions during his youth should not be held against him, as he paid the consequences; and has not been in trouble since his youth. Alderman LaCroix indicated that records can be sealed, if younger than eighteen; but bad decisions made after the age of eighteen must be accounted for. LaCroix indicated that he must uphold the recommendation of the Police Chief; and suggest there are more suitable part-time jobs. Police Chief Tieszen indicated that the applicant did not reveal any of his criminal history in his application. He explained that it is a very long record; it appears to be in excess of two dozen arrests, including arrests for alcohol, drugs, and violence. The latest of which was less than three years ago. Tieszen indicated that based upon his review of the application and the applicant's record, the applicant is not suitable to be a security guard. Tieszen noted that the applicant has applied to work at Venue Eight, a location that the Police Department has had problems. Tieszen asked the Council to deny the application. Alderman Schumacher indicated concern with the applicant's last know incident being only three years earlier. Upon a vote being taken on the motion to uphold the denial, motion carried.

**ADDENDUM**

The following companies submitted bids for Holiday Decorations for City Center Area: DiJulio Displays, Inc., Display Sales, Noble Seasonal Lighting, and Palmer's Holiday De-Lites. Staff reviewed the bids and recommends all bids be rejected, and authorize staff to re-advertise for bids; whereupon Johnson moved, second by Hadcock and carried to approve staff recommendation.

Johnson moved, second by Chapman and carried to approve a request for funds to purchase downtown poles for Christmas lights and banners in the amount of \$80,000 from CIP Contingency; and authorize staff to advertise for bids for Downtown Poles for Christmas lights and banners.

The Mayor presented No. LF081606-02, a Resolution Declaring Property Surplus; whereupon Johnson moved to approve, second by Okrepkie. Substitute motion was made by Kooiker, second by Schumacher to continued No. LF081606-02, a Resolution Declaring Property Surplus to the August 30, 2006 Legal & Finance Committee meeting. Motion carried with Okrepkie voting NO.

**ADJOURN**

As there was no further business to come before the Council at this time, the meeting adjourned at 9:42 P.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Finance Office

\_\_\_\_\_  
Mayor

(SEAL)