

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

June 19, 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, June 19, 2006 at 7:18 P.M.

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

Staff members present included Finance Officer Jim Preston, Assistant City Attorney Joel Landeen, Growth Management Director Marcia Elkins, Public Works Director Dirk Jablonski, Police Captain Ed Hofkamp, Fire Chief Gary Shepherd, Parks & Recreation Director Jerry Cole, and Administrative Assistant Jackie Gerry.

APPROVE MINUTES

Okrepkie moved, second by Hadley and carried to approve the minutes of June 5, 2006, special Council of June 12, 2006; and special Council of June 7, 2006 with a correction to the minutes indicating that the ballot question GRAND TOTAL – FOR VOTE is 10,195.

ADOPTION OF THE AGENDA

The following items were added to the agenda:

- Strike Agenda Item #12 -- authorization for the City Finance Office to bring forward for review, the 2012 Cash Flow Analysis showing the outcome of reallocating funds from 2009 to 2008, as it relates to a multiple-phase downtown area improvement project
- Executive Session to discuss contractual and personnel matters, and pending litigation
- 36.A. Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, and street light conduit along Elk Vale Road as it abuts a parcel of land located in the E1/2NE1/4, Section 33, T2N, R8E, BHM, Rapid city, Pennington County, South Dakota.
- Approve bid award for One (1) 2006 Model Year, or newer, Manufacture's Demonstrator Triple Combination Pumper for Fire Department
- Authorize the Mayor and Finance Officer to sign an agreement with the Festival of Presidents for the use of City-owned bleachers for the July 1, 2006 parade
- Sign Board Task Force, Alderman Hadley
- 504 East Madison Street sewer issues, Alderman Kooiker

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

AWARDS AND RECOGNITIONS

Mayor Shaw presented the Veteran of the Month for June 2006 to Thomas J. Parson and recognized his efforts and dedication to the service of his country.

Mayor Shaw presented Certificates of Recognition to the following employees and acknowledged their years of service to the City: Connie Ewing, 35 years in the Finance Office, and Doug Aldrich, 25 years in the Finance / Computer Center.

At this time Mayor Shaw recognized Ward Four Alderman Ray Hadley and thanked him for his service to the community and presented a plaque and the following Resolution:

RESOLUTION

Whereas, Ray Hadley has distinguished himself as a Ward Four City Council member since 2000; and

Whereas, during these past six years, Ray provided the City Council and the citizens of Rapid City with a common sense approach to government and has represented his constituents well; and

Whereas, Ray Hadley has been an active participant on City Council, City Council committees and numerous sub-committees working for the betterment of our citizens; and

Whereas, the City Council takes this opportunity to express their gratitude and appreciation to Ray Hadley for his service to the Rapid City community;

Now therefore be it resolved by the Common Council of the City of Rapid City, that the contributions of Ray Hadley be officially recognized and become a permanent part of the records of the City of Rapid City, South Dakota for future generations to see.

Dated this 19th day of June, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

At 7:40 P.M. the Chair recessed the meeting; and reconvened the proceedings at 7:56 P.M. with all members present.

GENERAL PUBLIC COMMENT

MJ Adams, owner of The Corn Exchange Restaurant brought forward her complaints about Venue Eight; its certificate of occupancy possibly being over-extended; unavailable parking for her patrons; disorderly conduct by the patrons of Venue Eight; and public intoxication; street urination and vomiting on the sidewalk. Adams reported the presence of the Police Department and Fire Department, who parked a tire truck directly in front of the restaurant, blocking the parking. Adams asked that the Venue Eight be required to follow requirements and regulations; and that they not infringe upon the rights of other area businesses. Jason Cox, owner of Venue Eight extended an apology to his business neighbors; indicated that crowd control is important and suggested that more security may be appropriate. In response to a question from Alderman

Hadcock, Police Captain Hofkamp explained that the number of complaint calls and events are documented on each bar, and during the alcohol license renewal period those events are reviewed, and based on that review, a recommendation is made to the City Council on the license renewal. Alderman Hadcock asked that Venue Eight work cooperatively with the neighbors.

Kooiker moved, second by Olson and carried to place the Venue Eight complaints on the June 28, 2006 Legal & Finance Committee agenda for an update.

No presentation was given on the Performing Arts Center.

PUBLIC HEARINGS

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

RESOLUTION

A RESOLUTION APPROVING MAJOR STREET PLAN REVISIONS

WHEREAS, the Major Street Plan must be and periodically reviewed and revised in order to be an effective planning document; and

WHEREAS, revisions to the Major Street Plan have been drafted based on the research and study of the City of Rapid City Staff with input from the City Planning Commission and City Council; and

WHEREAS, state law provides for amendments and additions to portions of the comprehensive plan of which the Major Street Plan is a part thereof; and

WHEREAS, the Rapid City Planning Commission has carefully considered the amendments to the Major Street Plan, and held public hearing in accordance with SDCL 11-6-17 and has recommended approval to the Rapid City Council; and

WHEREAS, the Rapid City Council has also carefully considered the amendments to the Major Street Plan, and has also held a public hearing in accordance with SDCL 11-6-18;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF RAPID CITY, that the attached amendment to the Major Street Plan for the City of Rapid City be approved.

Dated this 19th day of June, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The Mayor presented No. 06SV024 - a request by Centerline for Magheramore, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 18, Darlington Estates, formerly a 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 a 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. Olson moved, second by Okrepkie and carried that an Exception to waive the requirement to provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence is hereby granted with the stipulation that the streets be posted with no parking signs and that a note be placed on the plat stating that no further platting of the lots shall be allowed; that the Variance to the Subdivision Regulations to allow a lot twice as long as wide be approved; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer along Lamb Road, Hidalgo Court and Kimbrewich Road 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; An Exception to reduce the driveway separation from 35 feet to five feet is hereby granted; An Exception to allow a 1,250 foot long cul-de-sac with an intermediate turnaround approximately 875 feet in lieu of a maximum 1,200 foot long cul-de-sac with an intermediate turnaround every 600 feet is hereby granted.

The Mayor presented No. 06SV027 - a request by CETEC Engineering Services, Inc. for Park Hill Development, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to allow a lot twice as long as it is wide as per Chapter 16 of the Rapid City Municipal Code** on Lots 18 thru 35 of Block 2; Lots 14 thru 25 of Block 5; and the dedicated public right-of-way, Park Meadows Subdivision, located at the SW1/4 NE1/4 and the 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 and the unplatted balance of the SE1/4 NE1/4, less right-of-way, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Smith Avenue. Olson moved, second by Hurlbut and carried that the Variance be denied without prejudice at the applicant's request.

Olson moved, second by Okrepkie and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, water and sewer along Carol Street as it abuts the west 165 feet of the East 331.2 feet of Lot 12, Plateau Subdivision, located in the SW1/4 NE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota. (06SV029)

The Mayor presented No. 06SV029 - a request by Sperlich Consulting, Inc. for Gordon Howie for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Carol Street; and to allow a lot twice as long as wide as per Chapter 16 of the Rapid City Municipal Code** on Lots J and K of Lot 12, Plateau Subdivision, formerly the west 165 feet of the east 331.2 feet of Lot 12, Plateau Subdivision, located in the SW1/4 NE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the west 165 feet of the east 331.2 feet of Lot 12, Plateau Subdivision, located in the SW1/4 NE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at 4753 Carol Street. Olson moved, second by Hurlbut 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 Carol Street, and to allow a lot twice as long as wide 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.

The Mayor presented No. 06VR003 - a request by Richard O. Stahl for a **Vacation of Right-of-Way** on South Street Right-of-way lying adjacent to Lots 2A and 3A of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of South Street and West Street. Olson moved, second Johnson to table. Upon a roll call vote, the motion failed with the following voting AYE: Olson; NO: Schumacher, Hadley, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman, and Kooiker. Growth Management Director Elkins indicated that the City has not received the required petition. Elkins indicated that the petition must be presented to the Planning Commission for action, and that comes forward as a recommendation to the City Council. Richard Stahl, Rapid City indicated his willingness to do what is required in order to move forward. Alderman Hadcock indicated her concern about conflicting instructions from City staff. Johnson moved, second by Hurlbut and carried to continue the Vacation of Right-of-Way to the July 17, 2006 Council meeting.

LEGAL & FINANCE COMMITTEE ITEMS

Alderman Hadcock brought forward for discussion, the concept of downtown trolleys. Hadcock indicated that she is working with Council and Rapid Transit Director Sagen on exploring some private and public partnerships for the downtown trolleys. Hadcock indicated that it is estimated to cost \$230,000; \$50,000 for operational costs; and half the cost is expected to be funded through the federal government. Don Purdue, Rapid City indicated his concern about possibly having to subsidize the downtown trolleys; and questioned how long the federal government would provide funding for the downtown trolleys. Alderman Hadley suggested the downtown trolley system should be a north-south route with the trolleys traveling on 5th, 6th, 7th and 9th Streets because of the one-way direction of travel on Main and St. Joseph Streets. Alderman Chapman indicated that this trolley proposal will need to be discussed during the budget process. Steven Brenden, Rapid City indicated his concern about the financial feasibility of a downtown trolley concept.

PUBLIC WORKS COMMITTEE ITEMS

Olson moved, second by Hurlbut to authorize Public Works to determine the cost for the round-about proposal for the Canyon Lake Park Roadway Improvements Project. Traffic Engineer

Less presented several modified concepts of the round-about. The first is a semi- traffic circle engineered to accommodate passenger vehicles. Less indicated the speed of a passenger vehicle depends on its wheel base; but it is expected a passenger vehicle will travel the posted 10 MPH speed limit in the park, but can be exceeded depending on the aggressiveness of the driver. Less explained that this concept will not accommodate fire trucks, RVs, or a vehicle towing a trailer. He also indicated that barrier protection around the pond area may still be required in this concept. The second concept presented is a semi-circle with a substantially larger radius to accommodate fire trucks. Less indicated a passenger vehicle speed through this radius will not be restricted to the posted speed limit. He also indicated a barrier may be necessary between the roadway and the adjacent bike path. In response to a question from the Council, Parks & Recreation Director Cole indicated his attempt at a round-about was not engineered. Public Works Director Jablonski reiterated that the proposed concepts will do nothing to control the speed of a vehicle. The critical point of the curve is moved, and the road is placed parallel to the pond. Less presented the most recent average daily traffic counts for Jackson Boulevard and Park Drive, explaining that they are only directional volumes. He indicated that there is difficulty in approaching an evaluation of reversing the park flow, because an origin destination study has never been done. Less reported that the South Dakota Department of Transportation completed a traffic count at the intersection of Jackson Blvd. and Park Drive for the sole purpose of re-evaluating the timing of the traffic signal at the intersection. Less indicated that in reviewing the volumes, the Jackson Boulevard / Park Drive intersection currently operates at an acceptable level of service; but that there is some excess capacity. Introducing more vehicles turning left or right at this intersection could reasonable be accommodated, but that will lower the level of service. Introducing more traffic on Park Drive increases the probably of traffic backups occurring. Less pointed out that there is only thirty feet of distances between the Park Drive entrance, and the entrance to the parking lot. If left in place, it will contribute to backups on Park Drive. Less recommended that if traffic is reversed, the access to the parking lot be closed and relocated. Reversing the flow of traffic and restricting access to the parking lot will cause patrons of the park who use the lot to traverse the entire park to get out of the park; introducing that much more traffic, internally, to the park. Alderman Johnson indicated that he supported anything that did two things: opened the road, and realigned the road. Johnson pointed out the curve that goes into the pond, and suggested eliminating the angle of the road made sense. He indicated that speed is only a factor when there is a curve and a foolish driver. He indicated that barriers would be acceptable, in any design.

Substitute motion was made by Kooiker, second by Schumacher to move to reopen the road, immediately; close the road from the hours of 10:00 P.M. to 6:00 A.M.; ask the Rapid City Police Department to provide extra traffic enforcement at their discretion; and engineer a guardrail and speed bumps, in-house, and present plans for the guardrail and speed bumps to the Council on July 5, 2006; and also ask staff to look into the option raised by Alderman Johnson, and bring forth preliminary information on July 5, 2006. Assistant City Attorney Landeen urged the Council not to open the road until some action has been taken to change the road. Alderman Olson urged the Council not to open the road until there is a change. Jablonski indicated that he would not recommend speed bumps. From a liability part of his job, it is his responsibility to maintain public safety, and speed bumps do not do that. He asked that he be given at least thirty days to accomplish the task. Alderman Okrepkie examined the history of accidents and suggested the accidents occurred after dark. Gating the park and closing the gates addresses the accidents. Alderman Hurlbut offered support to change the angle of the road, realign the road, and suggested a guardrail be in place.

Second substitute motion was made by Johnson, second by Okrepkie to direct the Public Works staff to immediately realign the road to allow for a straight approach beyond the pond; to order in gates to be closed at sunset; and reopen the park as soon as the road realignment has been accomplished. City Attorney Green indicated that installing the gates and closing them after dark is beneficial, from a liability standpoint. He reported that all the accidents that occurred were not at night; the majority of them did occur at night. In response to a question from City Attorney Green asking for clarification on whether the motion was direction to the engineering staff to do the analysis and design the road appropriately, Alderman Johnson indicated that was so. Green indicated that it is imperative that the City have an engineered solution to the problem before opening the road. Alderman Hadley asked that motion include a date to specify when the project should be engineered, constructed, and completed. Alderman Johnson indicated to Public Works staff that this project is priority one, and the project does not come back to Council. It is to be engineered and construction begins using the Street Department. Alderman Hurlbut suggested reports be given before the committee meetings and Council meetings until the solution is implemented. Steven Brenden, Rapid City pointed out the park is open, suggested that if the pond is the issue, put in a culvert and fill in the pond. Don Purdue, Rapid City offered support for gating the park, extending the existing guardrail, and installing speed bumps. Dave Schwietert, Rapid City offer support for straightening and realigning the road, but asked that traffic be reversed.

Friendly amendment was offered by Alderman Hurlbut that the gating of the park be moved forward as expeditiously, subject not to holding up the road realignment, and the gates closed at dark. Alderman Okrepkie called the question. No objection was expressed, but discussion continued. Point of order was called by Alderman Johnson. Upon a roll call vote on the second substitute motion as amended, the motion carried with the following voting AYE: Hadley, Olson, Okrepkie, Johnson, Kroeger, Hurlbut, Kooiker, and Schumacher; NO: Hadcock and Chapman.

ORDINANCES & RESOLUTIONS

Ordinance No. 5158 (No. LF061406-07), Amending the Procedure to Appeal an Order to Remove a Nuisance by Amending Section 8.16.050 of the Rapid City Municipal Code was introduced. Upon a motion made by Chapman, second by Hurlbut and carried, Ordinance No. 5158 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Wednesday, July 5, 2006 at 7:00 P.M.

Ordinance No. 5163 (No. 06RZ016), a request by Dream Design International, Inc. for a **Rezoning from Low Density Residential District to General Commercial District** on a parcel of land located in Section 24, T2N, R7E, more particularly described as follows: Commencing at the center of Section 24, travel a distance of 506.81 feet at a bearing of N89°48'44"W; Thence S00°10'09"W a distance of 399.73 feet to a point of beginning; Thence S89°49'51"E a distance of 173.34 feet; Thence S81°56'08"W a distance of 120.55 feet; Thence south a distance of 912.15 feet; Thence N89°46'02"W a distance of 56.73 feet; Thence N00°10'09"E a distance of 929.35 feet to the true point of beginning, located west of Haines Avenue and south of Kathryn Boulevard was introduced. Upon a motion made by Chapman, second by Hurlbut, Ordinance No. 5163 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Wednesday, July 5, 2006 at 7:00 P.M. Motion carried with Alderman Kroeger abstaining.

Ordinance No. 5164 (No. 06RZ017), a request by Dream Design International, Inc. for a **Rezoning from Low Density Residential District to Medium Density Residential District** on a parcel of land located in Section 24, T2N, R7E, more particularly described as follows: Commencing at the center of Section 24, travel a distance of 506.81 feet at a bearing of N89°48'44"W; Thence S00°10'09"W a distance of 399.73 feet to a point of beginning; Thence S00°10'09"W a distance of 929.35 feet; Thence N89°46'02"W a distance of 824.84 feet; Thence N00°28'58"E a distance of 1028.45 feet; Thence S89°49'51"E a distance of 588.91 feet; Thence S00°10'09"W a distance of 100.00 feet; Thence S89°49'51"E a distance of 230.30 feet to the true point of beginning, located west of Haines Avenue and south of Kathryn Boulevard was introduced. Upon a motion made by Chapman, second by Schumacher, Ordinance No. 5164 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Wednesday, July 5, 2006 at 7:00 P.M. Steven Brenden, Rapid City expressed his objection to increasing the density in this neighborhood and North Rapid. Motion carried with Alderman Kroeger abstaining.

Ordinance No. 5154 (No. LF053106-28), Amending the Procedure to Appeal an Order to Remove a Junked or Abandoned Vehicle by Amending Section 10.56.060 of the Rapid City Municipal Code and Adding Section 10.56.065 to the Rapid City Municipal Code having passed first reading on June 5, 2006, it was moved by Chapman, second by Okrepkie that the title be read the second time. The following voted AYE: Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5154 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on No. 06RZ008, second reading of **Ordinance No. 5155**, a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on property described by metes and bounds beginning at the west ¼ corner of Section 28, T2N, R8E, BHM, a found rebar and cap. Thence east along the east-west ¼ line a distance of 1050.14 Feet to the true point of beginning; Thence S00°05'52"E a distance of 400.02 Feet; Thence N89°53'17"E a distance of 1533.64 Feet; Thence N89°54'10"E a distance of 69.68 Feet; Thence N00°02'14"W a distance of 395.87 Feet to the center of Section 28, a found rebar and cap; Thence N89°57'47"W a distance of 1603.74 feet to the point of beginning. Containing 14.65 acres more or less, located at the northeast corner of the intersection of Dyess Avenue and Interstate 90 and at the eastern terminus of Mall Drive. Notice of hearing was published in the Rapid City Journal on May 20, 2006 and May 27, 2006. Ordinance No. 5155 have had the first reading on May 15, 2006, it was moved by Chapman, second by Olson that the title be read the second time. The following voted AYE: Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5155 the second time.

The Mayor announced the meeting was open for hearing on No. 06RZ015, second reading of **Ordinance No. 5162**, a request by Sperlich Consulting, Inc. for Signature Development for a **Rezoning from General Agriculture District to Low Density Residential District** on Lots 1 thru 7, Block 1 and Lots 1 thru 14, Block 2, Villaggio at Golden Eagle, formerly the unplatted portion of the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, located in the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, located in the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota,

located adjacent to Golden Eagle Drive and north of Catron Boulevard. Notice of hearing was published in the Rapid City Journal on June 10, 2006 and June 17, 2006. Ordinance No. 5162 have had the first reading on June 5, 2006, it was moved by Chapman, second by Johnson that the title be read the second time. The following voted AYE: Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5162 the second time.

CONTINUED ITEMS CONSENT CALENDAR – Items 20-41

The following continued items were removed from the consent calendar:

- 31. No. 06PL080 - A request by Dream Design International, Inc. for a **Preliminary Plat** located west of Haines Avenue and south of Kathryn Avenue.
- 36. No. 06SV028 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations** located on North Elk Vale Road and Eglin Street.
- 36.A. Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, and street light conduit along Elk Vale Road.

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

Continue the following items until July 5, 2006:

- 20. No. 06CA012 - A request by Sean Doyle for an **Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the land use designation from Planned Residential Development with one dwelling unit per three acres to Low Density Residential** on the NE1/4 NE1/4 SW1/4, less Tract 8R, Harmony Heights, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southern terminus of Vista Ridge Road.
- 21. No. 06CA013 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation from General Commercial to Light Industrial** on a portion of Lot 1, Starlite Subdivision, located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing, for location purposes only, at the Southwest corner of Section 28; Thence north, along the West line of Section 28 and the centerline of Dyess Avenue, a distance of 233.18 feet; Thence S89°43'30"E, a distance of 50.00 feet, to a ½ inch iron pipe found for the Southwest corner of Lot 1 of Starlite Subdivision on the East Right-of-way line of Dyess Avenue and the North Right-Of-way line of Eglin Street (a 100 foot wide public Right-of-way) for the Point of Beginning of the herein described tract; Thence North, along said East Right-of-way of Dyess Avenue and West line of Lot 1 of Starlite Subdivision, a distance of 349.83 feet to a point for corner; Thence S89°43'00" East, a distance of 850.15 feet, to the Easternmost Southeast corner of Lot 1 of Starlite Subdivision; Thence S53°09'39"W, a distance of 328.66 feet, to a corner of Lot 1 of Starlite Subdivision; Thence West, a distance of 80.08 feet, to a corner of Lot 1 of Starlite Subdivision; Thence South, a distance of 151.10 feet, to the

Southernmost Southeast corner of Lot 1 of Starlite Subdivision on the North Right-of-way line of Eglin Street; Thence N89°43'30"W, along the North Right-of-way line of Eglin Street and South line of Lot 1 of Starlite Subdivision, a distance of 507.03 feet to the Point of Beginning and containing 5.036 acres, more or less, located at the southeast corner of Beale Street and Dyess Avenue and north of Eglin Street.

22. No. 06CA014 - A request by Tim Carlson for DM&E Railroad Corp. for an **Amendment to the Comprehensive Plan by revising the Long Range Comprehensive Plan to change the land use designation from Floodway to Light Industrial** on DM&E Right-of-way adjacent to Tract 24A, less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Third Street and Omaha Street.
23. 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.
24. No. 06PL028 - A request by Davis Engineering, Inc. for Bernita White for a **Preliminary Plat** on Lots A1 and A2 of Bar P-S Subdivision, located in the W1/2 SW1/4, formerly Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota, located adjacent to the south west curve of North Airport Road.
25. No. 06PL049 - A request by Davis Engineering, Inc. for a **Preliminary Plat** on Lots 2 thru 6 of Block 2; Lots 15 of Block 4; and, Lots 1, Lots 14 and 15 of Block 5, formerly a portion of Tract F of the NW1/4, Section 14, T1N, R8E, Less Murphy Subdivision and less Murphy Ranch Estates and less Right-of-way, located in the NE1/4 NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4, Section 14, T1N, R8E, Less Murphy Subdivision and less Murphy Ranch Estates and less Right-of-way, located in the NE1/4 NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located adjacent to Long View Road between Colvin Street and Romel Drive.
26. No. 06PL053 - A request by Centerline for Founders Park, LLC for a **Preliminary Plat** on Lots 1 and 2, Founders Park Subdivision, and the dedicated public right-of-way, formerly a portion of the W1/2 NW1/4 SE1/4; and including Block 1, North Riverside Addition, located in SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the W1/2 NW1/4 SE1/4; and including Block 1, North Riverside Addition, located in SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Omaha Street and west of West Street.
27. 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.

28. No. 06PL070 - A request by Sperlich Consulting, Inc. for Gordon Howie for a **Preliminary Plat** on Lots J and K of Lot 12, Plateau Subdivision, formerly the west 165 feet of the east 331.2 feet of Lot 12, Plateau Subdivision, located in the SW1/4 NE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the west 165 feet of the east 331.2 feet of Lot 12, Plateau Subdivision, located in the SW1/4 NE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at 4753 Carol Street.
29. 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 Eglin 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.
32. No. 06RZ012 - A request by Sean Doyle for a **Rezoning from General Agriculture District to Low Density Residential District** on the NE1/4 NE1/4 SW1/4, less Tract 8R, Harmony Heights, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southern terminus of Vista Ridge Road.
33. No. 06RZ013 - A request by Dream Design International, Inc. for a **Rezoning from General Commercial District to Light Industrial District** on a portion of Lot 1, Starlite Subdivision, located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing, for location purposes only, at the Southwest corner of Section 28; Thence north, along the West line of Section 28 and the centerline of Dyess Avenue, a distance of 233.18 feet; Thence S89°43'30"E, a distance of 50.00 feet, to a ½ inch iron pipe found for the Southwest corner of Lot 1 of Starlite Subdivision on the East Right-of-way line of Dyess Avenue and the North Right-Of-way line of Eglin Street (a 100 foot wide public Right-of-way) for the Point of Beginning of the herein described tract; Thence North, along said East Right-of-way of Dyess Avenue and West line of Lot 1 of Starlite Subdivision, a distance of 349.83 feet to a point for corner; Thence S89°43'00" East, a distance of 850.15 feet, to the Easternmost Southeast corner of Lot 1 of Starlite Subdivision; Thence S53°09'39"W, a distance of 328.66 feet, to a corner of Lot 1 of Starlite Subdivision; Thence West, a distance of 80.08 feet, to a corner of Lot 1 of Starlite Subdivision; Thence South, a distance of 151.10 feet, to the Southernmost Southeast corner of Lot 1 of Starlite Subdivision on the North Right-of-way line of Eglin Street; Thence N89°43'30"W, along the North Right-of-way line of Eglin Street and South line of Lot 1 of Starlite Subdivision, a distance of 507.03 feet to the Point of Beginning and containing 5.036

acres, more or less, located at the southeast corner of Beale Street and Dyess Avenue and north of Eglin Street.

34. No. 06RZ014 - A request by Tim Carlson for DM&E Railroad Corp. for a **Rezoning from Flood Hazard District to Light Industrial District** on DM&E Right-of-way adjacent to Tract 24A, less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Third Street and Omaha Street.
35. 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.
37. 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.
38. 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.
39. 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.

40. No. 06VE013 - A request by Arthur W. Janklow for a **Vacation of Access Easement and Vacation of Utility and Drainage Easement** on Tract C of Lot B, located in the NE1/4 NW1/4, less Pengra Subdivision, Section 17, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4835 Sturgis Road.

Continue the following items until August 7, 2006:

41. No. 05VR014 - A request by Sperlich Consulting, Inc. for Doeck, LLC for a **Vacation of Section Line Highway** on that portion of the statutory Section Line Right-of-Way lying in the NE1/4, SE1/4, Section 13, T2N, R7E, and that portion of the statutory Section Line Right-of-Way, lying in Tract 5, Sletten Addition, located in the NW1/4, SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the north to east curve of West Nike Road.

End of Continued Items Consent Calendar

The Mayor presented No. 06PL080, a request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 10 thru 17 of Lot 1, New Park Subdivision, located in the NW1/4 SW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot 1 of New Park Subdivision, located in the NW1/4 SW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and south of Kathryn Avenue. Hadley moved, second by Schumacher to approve the Preliminary Plat with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, the applicant shall submit a site plan demonstrating building envelopes on Lots 14, 16 and 17 for review and approval to insure that the lot(s) are buildable; 2. Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In particular, cross-sections through the drainage channel at the revised easement locations shall be submitted for review and approval verifying that the 100 year flow will be conveyed within the proposed easement; 3. Prior to Preliminary Plat approval by the Planning Commission, additional water information and analysis shall be submitted for review and approval demonstrating that sufficient quantities for domestic and fire flows shall be provided during peak day use conditions; 4. Prior to Preliminary Plat approval by the City Council, a utility plan showing service locations shall be submitted for review and approval; 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 Preliminary Plat approval by the City Council, separate plat applications and documents shall be submitted for McMahon Subdivision and New Park Subdivision; 7. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along all of Lots 10 and 12 as they abut Kathryn Avenue or an Exception to the Street Design Criteria Manual shall be obtained; and, 8. 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. If Tax Increment Financing is to be used to provide the required surety, the Project plan shall be revised and the Developer's Agreement shall be approved and signed by the developer. Motion carried with Alderman Kroeger abstaining.

The Mayor presented No. 06SV028, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Eglin Street and to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Block 2, LaGrand Subdivision, located in the E1/2 NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the E1/2 NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on North Elk Vale Road and Eglin Street. Johnson moved, second by Okrepkie and carried that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Eglin Street be denied without prejudice; and, that the Variance to waive the requirement to install sewer along Elk Vale Road be denied without prejudice; and, that the Variance to waive the requirement to install curb, gutter, sidewalk and street light conduit along Elk Vale Road be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall enter into a waiver of right to protest the assessment for the required improvements; and Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, and street light conduit along Elk Vale Road as it abuts a parcel of land located in the E1/2NE1/4, Section 33, T2N, R8E, BHM, Rapid city, Pennington County, South Dakota.

CONSENT CALENDAR ITEMS – 42-96

The following items were removed from the Consent Calendar:

- 47. Acknowledge the ADA Compliance report.
- 63. Declare a 2003 F35 Ford pickup with 2,605 miles as surplus property.
- 89. No. 06PL046 - A request by Boschee Engineering for Dr. Don Oliver for a **Layout Plat** located at 23657 Wilderness Canyon Road.
- 92. No. 06PL062 - A request by CETEC Engineering Services, Inc. for Park Hill Development, Inc. for a **Preliminary Plat** located at the northern terminus of Smith Avenue.
- 94. No. 06PL072 - A request by Dream Design International, Inc. for a **Preliminary Plat** located west of Haines Avenue and south of Kathryn Avenue.

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

Public Works Committee Consent Items

- 42. No. PW061306-01 Approve a request by Fisk Land Surveying & Consulting Engineers, Inc. on behalf of Thomas Collins and William Blickensderfer (owners) for authorization to prepare an H-Lot located in South 237 feet of Lot 5 of the NW1/4 NE1/4 of Section 3, T1N, R7E, BHM, (aka Harter Tract) Rapid City, Pennington County, South Dakota on behalf of the City of Rapid City and authorized acceptance of deed.
- 43. No. PW061306-02 Approve a request by Founders Park LLC to allow the construction of two temporary cul-de-sacs at the western terminus of West Chicago Street and West Philadelphia Street, respectively, on City property legally described as Tract 18 and the vacated West Street Right-of-way located adjacent to Tract 18, Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, with

the stipulation that prior to any construction of the turnarounds on public golf and park right of way or property the developer shall coordinate the full detail and scope of the project with the Parks and Recreation Director or his designee, and work will only commence once each party is satisfied with the detail and scope.

44. No. PW061306-13 Approve the changes to City of Rapid City's Standard Specifications for Public Works as recommended by the Council Development Committee.
45. No. PW061306-14 Approve a Resolution Establishing a Formal Warranty Process for Subdivision Improvements as presented by the Council Development Committee.

A RESOLUTION ESTABLISHING A FORMAL WARRANTY PROCESS
FOR SUBDIVISION IMPROVEMENTS.

WHEREAS, when a subdivider/developer subdivides property they are required by ordinance to construct certain public improvements in conformance with the currently adopted version of the City's Standard Specifications for Public Works Construction; and

WHEREAS, the City's Standard Specifications for Public Works Construction requires that subdividers/developers provide a warranty for public improvements that they are required to install for a period of two years after the City has accepted the improvement; and

WHEREAS, the City does not currently have a formal process that insures that any repairs and/or replacement of public improvements that are still within the warranty period are completed at the subdivider/developer's expense; and

WHEREAS, the City Council of Rapid City has determined that it is in the City's best interests to adopt a formal process for insuring that any warranty work be completed at the subdivider/developer's expense rather than at the expense of the City.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the following process be adopted to insure the completion of repairs for public improvements that are covered by a warranty period:

1. Once the subdivider/developer requests final inspection, Growth Management will inspect the site and prepare a final punch list. In order for Growth Management to issue the final punch list the public improvements must be substantially complete and can be put to their intended use and all testing must have been completed and the required results met.
2. Surety shall be posted by the subdivider/developer in an amount sufficient to ensure completion of the punch list items (including, but not limited to any corner ramps, sidewalks for drainage lots or other sidewalk components that are the subdivider/developer's responsibility under the City Code and which have not been installed at the time of final inspection).
3. The subdivider/developer shall provide a warranty bond, cash, letter of credit, or other acceptable surety in an amount equivalent to ten percent (10%) of the total cost of the required public improvements. This surety will be in a form acceptable to the City and will be required to specifically secure any necessary warranty work that is the

subdivider/developer's responsibility for a period of two years from the acceptance of the public improvements by the City.

4. Once the final punch list is completed and the City has received the surety to cover the warranty period, Growth Management shall issue a letter accepting the public improvements on behalf of the City. The issuance of an acceptance letter shall start the running of the warranty period. Growth Management shall provide a copy of the acceptance letter and the surety to the City's Public Works Department for tracking of the warranty period.

5. The repair and/or replacement of any public improvements covered by the warranty period will be pursuant to the guidelines established in Section 7.65 of the City's Standard Specifications for Public Works Construction. If a subdivider/developer fails to meet their obligations under Section 7.65, the City can draw on the surety in order to complete the necessary work or to be reimbursed for work that has already been done.

6. The Public Works Department will track the two year warranty period and complete a final warranty inspection in approximately the twentieth month. The Public Works Department shall contact the subdivider/developer in order to schedule the final warranty inspection at a time when the subdivider/developer or their representative can also be present. Once the warranty inspection has been completed the Public Works Department will either issue a letter requiring repair and/or replacement of any improvements under the warranty per the guidelines in Section 7.65 or will allow the surety to expire.

Dated this 19th day of June, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

46. Add ADA curb cuts at the intersection of Elm Avenue and East Indiana Street; and add improvements to the Miscellaneous Improvements Project list to be completed as soon as possible.
48. No. PW061306-03 Approve Change Order No. 1F for Miscellaneous Improvements 2005 Project No. MIP05-1479; CIP No. 50298 and 50599 to Stanley J. Johnsen Concrete Contractor, Inc. for an increase of \$15,628.30.
49. No. PW061306-04 Approve Change Order No. 1 for East Saint Charles Street Water Main Extension Project No. W05-1476; CIP No. 50585 to Grizzly Excavation, Inc. for an increase of \$512.53.
50. No. PW061306-05 Approve Change Order No. 1F for Lemmon Avenue Reconstruction, Adams Street to Van Buren Street, Project No. ST05-1437; CIP #50120 to Highmark, Inc. for a decrease of \$16,734.25.
51. No. PW061306-06 Authorize staff to advertise for bids for Miscellaneous Improvements Project No. MIP06-1541; CIP #50298.
52. No. PW061306-07 Authorize the Mayor and Finance Officer to sign a Professional Services Agreement with ARC International for the design and construction

- administration of 2006 Roof Replacement Project No. IDP06-1546; CIP #50098 for an amount not to exceed \$24,700.00.
53. No. PW061306-08 Authorize the Mayor and Finance Officer to sign a Professional Services Agreement with American Engineering Testing, Inc. for Soil Sampling at the Rapid City Water Reclamation Facility for an amount not to exceed \$4,403.30.
54. No. PW061306-09 Authorize the Mayor and Finance Officer to sign the grant application and associated paper work for EPA Special Purpose Grant for Utility System Master Plan, Project No. PW05-1447.
55. No. PW061306-10 Authorize the Mayor and Finance Officer to sign amendment No. 1 to the Professional Services Agreement with enVision Design, Inc. for Franklin Street Reconstruction Project No. ST04-1363 for an amount not to exceed \$5,305.00.
56. No. PW061306-11 Authorize staff to solicit Request for Proposals for Engineering Services for West Chicago Street Roadway Lighting from 44th Street to Sturgis Road Project ST06-1560, CIP #50366.
57. No. PW061306-12 Approve a resolution fixing time and place for hearing on July 17, 2006 on Assessment Roll for Block 3 & 4 Rushmore Street Paving (Schamber Addition) Project No. ST06-1533.

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON
ASSESSMENT ROLL FOR
BLOCK 3 & 4 RUSHMORE STREET PAVING (SCHAMBER ADDITION)
PROJECT NO. ST06-1533

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

1. The assessment roll for Block 3 & 4 Rushmore Street Paving (Schamber Addition) Project No. ST06-1533 was submitted to the Finance Office on the 19th day of June, 2006. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, July 17, 2006 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time and place of hearing thereon, that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 19th day of June, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

58. No. PW053006-20 Approve a request to order in sidewalks on the north side of Corral Drive from Park Drive to 3960 Corral Drive.

Legal & Finance Committee Consent Items

59. No. LF061406-24 Confirm appointment of Dr. Patricia Fallbeck to the RSVP Advisory Board.
60. No. LF061406-25 Confirm appointment of Gary Brown, Dennis Landguth and Pete Anderson to the Planning Commission.
61. No. LF061406-26 Confirm appointment of Deb Hadcock, John Brewer and a United Downtown representative to the City Center Revitalization Task Force.
62. Authorize staff to advertise for bids for cardiac monitors for the ambulance service and various City departments at a total cost of \$331,090 to be paid through a three-year lease/purchase plan.
64. No. LF061406-01 Approve a minor plat procedure sheet to reflect addition of Item #4-one 8 1/2" x 11" copy of proposed plat under materials and actions required of the petitioner.
65. No. LF061406-23 Acknowledge location of trees south of Lakota Community Homes by Geld, LLC per the Tax Increment District No. 36 Project Plan.
66. No. 06AN001 Approve a request to correct Resolution Annexation of a parcel of land located in the NE1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4, SE1/4 SE1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota approved May 15, 2006.
67. No. LF061406-02 Approve renewal of stop loss coverage and vendors for the City employees' Health Care Plan.
68. No. LF061406-03 Authorize the Mayor and Finance Officer to sign Contract with Cardinal Tracking for hardware and software to provide a new parking enforcement system at an estimated cost of \$55,399.
69. Set a Special Council meeting for Thursday, June 22, 2006 at 12:30 p.m. for the purpose of canvassing run-off election results.
70. No. LF061406-04 Approve Travel Request for Kane Messer and Mike Leech to attend STAR Maintenance School in Monticello, MN, October 2-5, 2006, in an approximate amount of \$1,910.
71. No. LF061406-05 Approve proposal to prepare New Haines Avenue Park Master Plan and Authorize the Mayor and Finance Officer to sign an Addendum with Wyss Associates, Inc. to prepare New Haines Avenue Park Master Plan for an amount not to exceed \$9,250 plus direct expenses not to exceed \$500.
72. No. LF061406-06 Approve proposal for design services for playground improvements at Scott Mallow Park and College Park and authorize the Mayor and Finance Officer to sign an Addendum with Wyss Associates, Inc. for an amount not to exceed \$25,900 plus direct expenses not to exceed \$500, and a topographic survey for an amount not to exceed \$3,200.
73. No. LF061406-08 Authorize the Mayor and Finance Officer to sign Amendment No. 1 to Park Concession Agreement Canyon Lake between City of Rapid City and Derby Advertising, d/b/a Canyon Lake Resort.
74. No. LF061406-09 Approve Travel Request for Kevin Lewis to attend ALI-ABA Land Use Institute, Planning, Regulation, Litigation, Eminent Domain & Compensation Seminar in Chicago, IL, August 16-19, 2006, in an approximate amount of \$2,732.
75. No. LF061406-10 Authorize the Mayor and Finance Officer to sign License Agreement – Local Government Entities with American Society of Composers, Authors and Publishers.

76. No. LF061406-11 Authorize the Mayor and Finance Officer to sign SESAC Performance License for Municipalities.
77. No. LF061406-12 Acknowledge raffle request from South Dakota Elks Association to hold raffle on October 7, 2006.
78. No. LF061406-13 Acknowledge raffle request from Muscular Dystrophy Association to hold raffle on August 12, 2006.
79. No. LF061406-14 Authorize the Mayor and Finance Officer to sign the Sub-recipient Contract for Community Development Block Grant (CDBG) Funding between the City of Rapid City and Court Appointed Special Advocates Program (CASA) for an amount not to exceed \$3,335.
80. No. LF061406-15 Authorize the Mayor and Finance Officer to sign the Sub-recipient Contract for Community Development Block Grant (CDBG) Funding between the City of Rapid City and Catholic Social Services for an amount not to exceed \$7,500.
81. No. LF061406-16 Authorize the Mayor and Finance Officer to sign the Sub-recipient Contract for Community Development Block Grant (CDBG) Funding between the City of Rapid City and Cornerstone Rescue Mission for an amount not to exceed \$100,000.
82. No. LF061406-17 Authorize the Mayor and Finance Officer to sign the City of Rapid City Indenture of Restrictive Covenants between the City of Rapid City and the Cornerstone Rescue Mission.
83. No. LF061406-18 Authorize the Mayor and Finance Officer to sign the Sub-recipient Contract for Community Development Block Grant (CDBG) Funding between the City of Rapid City and Behavior Management Systems (BMS) for an amount not to exceed \$24,000.
84. No. LF061406-19 Authorize the Mayor and Finance Officer to sign the Sub-recipient Contract for Community Development Block Grant (CDBG) Funding between the City of Rapid City and Dakota Plains Legal Services for an amount not to exceed \$5,500.
85. No. LF061406-20 Authorize the Mayor and Finance Officer to sign the Sub-recipient Contract for Community Development Block Grant (CDBG) Funding between the City of Rapid City and Rapid City Community Development Corporation (RCCDC) for an amount not to exceed \$80,000.
86. No. LF061406-21 Authorize the Mayor and Finance Officer to sign the Sub-recipient Contract for Community Development Block Grant (CDBG) Funding between the City of Rapid City and Bethel Assembly of God for an amount not to exceed \$25,000.
87. No. LF061406-22 Authorize the Mayor and Finance Officer to sign the City of Rapid City Indenture of Restrictive Covenants between the City of Rapid City and Bethel Assembly of God.
88. Approve the following licenses: Residential Contractor: Charles Schaaf, I-90 Remodel; Mechanical Apprentice: Joshua Davis, Jared Chilstrom, Daniel Strot, Paul Conrad, William Peterson, Thomas J Thesing, and Shannon Salyers; Refuse Collection: Fish Garbage Services, Inc., Clifford J Fish; Sewer and Water Journeyman License: Marc Zeller.

Growth Management Department Consent Items

90. No. 06PL060 - A request by D. C. Scott Surveyors, Inc. for Doug Pokorney for a **Layout Plat** on Lots 1 and B of Block 55 of the Amended Plat of the Mahoney Addition, formerly 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, 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 LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Layout Plat approval by the Planning Commission, a site plan showing the existing construction design of Doolittle Street shall be submitted for review and approval. In particular, the site plan shall show curb, gutter, sidewalk, street light conduit and pavement. In addition, the site plan shall show the location and size of water main(s) and fire hydrants and the location and size of sewer main(s) and manhole(s); 2. Upon submittal of a Preliminary Plat application, construction plans for Doolittle Street showing the street located in a minimum 52 foot wide right-of-way and 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; 3. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show one additional foot of right-of-way or a Variance to the Subdivision Regulations shall be obtained; 4. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 5. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall clarify how run-off from this lot will be discharged or routed when further improvements at this site are proposed. In addition, the drainage plan shall show that drainage from the site that runs onto and across a portion of the adjacent property will not impact the adjacent property under the design flows. The explicit approval of the adjacent property owner for continued discharge of the existing and any future flows over and across the adjacent property shall also be obtained. In addition, the plat document shall be revised to show drainage easements as needed; and, 6. 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.)

91. No. 06PL061 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lot 4 of Block 4, Black Hills Center, located in the NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion located in the NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the eastern corner of Parkview Drive and Fifth Street. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the Planning Commission approval, a site plan showing existing topography at five foot contour intervals shall be submitted for review and approval. In addition, a site plan demonstrating that the lot is buildable shall be submitted for review and approval; 2. Prior to Preliminary Plat approval by the Planning Commission, a site plan showing the existing construction design of Parkview Drive and 5th Street shall be submitted for review and approval. In particular, the site plan shall show curb, gutter, sidewalk, street light conduit and pavement. In addition, the site plan shall the location and size of water main(s) and fire hydrants and the location and size of sewer main(s) and manhole(s); 3. Prior to Preliminary Plat approval by the City Council, a grading plan for the lot addressing access and sidewalk grades shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall clarify how run-off from this lot will be discharged or routed when further improvements at this site are proposed. In addition, the drainage plan shall show that drainage from the site that runs onto and across a portion of the adjacent property will not impact the adjacent property under the design flows. The explicit approval of the adjacent property owner for

continued discharge of the existing and any future flows over and across the adjacent property shall also be obtained. In addition, the plat document shall be revised to show drainage easements as needed; 5. Prior to Preliminary Plat approval by the City Council, a site plan showing the existing 42 inch reinforced concrete pipe crossing this property from 5th Street shall be submitted for review and approval. In addition, the plat document shall be revised to show easements as needed; 6. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway located along the west line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway 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 or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way; 7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along 5th Street and the first 230 feet of Parkview Drive as it extends north from 5th Street or an Exception to the Street Design Criteria Manual shall be obtained; 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.)

93. No. 06PL064 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 and 2 of Block 2, LaGrand Subdivision, located in the E1/2 NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the E1/2 NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on North Elk Vale Road and Eglin Street. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, the Master Plan shall be revised to reflect the minor red line comments. The Master Plan as revised shall be submitted for review and approval prior to City Council approval. The Master Plan is hereby approved as revised to reflect the red line comments; 2. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval; 3. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed, including any regional storm water detention improvements shall be posted and the subdivision inspection fees shall be paid; 4. Prior to Preliminary Plat approval by the City Council, design plans for the construction of curb, gutter, street light conduit and sidewalks along Elk Vale Road shall be submitted for review and approval, or a Subdivision Variance shall be obtained; 5. Prior to Preliminary Plat approval by the City Council, design plans for the construction of a sidewalk along the north side of Eglin Street shall be submitted for review and approval, or a Subdivision Variance shall be obtained; 6. Prior to Preliminary Plat approval by the City Council, all red line comments shall be addressed on the plans, including the water system, sanitary sewer and storm drainage plans; and, 7. Prior to Final Plat submission, the applicant shall coordinate the required street name and address changes for Eglin Street with the Building Official.)
95. No. 06PL073 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lot 1, Block 1, Fifth Street Office Plaza, Section 24, T1N, R7E, BHM, Rapid City,

Pennington County, South Dakota, legally described as the unplatted portion of the NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of the intersection of Parkview Drive and Fifth Street. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along 5th Street and the first 230 feet of Parkview Drive as it extends north from 5th Street or an Exception to the Street Design Criteria Manual shall be obtained.)

96. No. 06PL075 - A request by Stoney Creek Development Corp. for Boschee Engineering for a **Preliminary Plat** on Tract BD, Stoney Creek South Subdivision, and the minor drainage easement located in the unplatted portion of the N1/2 NW1/4 SW1/4, lying south of Catron Boulevard; and a portion of S1/2 NW1/4 SW1/4, less Stoney Creek South Subdivision, all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 NW1/4 SW1/4, lying south of Catron Boulevard; and a portion of S1/2 NW1/4 SW1/4, less Stoney Creek South Subdivision, all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of Bendt Drive and Catron Boulevard. (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, all construction plans shall be sealed and signed by a Professional Engineer registered by the State of South Dakota; 3. Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In particular, drainage flow direction arrows and silt/sedimentation control measures shall be shown on the plans. In addition, drainage information demonstrating that the drainage ditch is sized adequately and that the quantity of riprap at the outlet of the storm drainage is adequate for energy dissipation shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 5. Prior to submittal of a Final Plat application, the plat document shall be revised to show non-access easement in compliance with the Street Design Criteria Manual; 6. Prior to submittal of a Final Plat application, the plat document shall be revised correctly labeling Catron Boulevard and Bendt Drive. In addition, the north arrow shall be aligned to the direction north; and, 7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

END OF CONSENT CALENDAR

Kooiker moved, second by Johnson to acknowledge the ADA Compliance report. Alderman Kooiker expressed his appreciation that the process is finally moving forward after so many delays. He indicated that it is important to ensure that the process is moving along as quickly as possible. Kooiker extended his appreciation to Kay Rippentrop, Mayor's Office for her assistance. He offered his assistance, and the assistance of Alderman Schumacher to move the process along. Upon a vote being taken, motion carried.

Johnson moved, second by Chapman and carried to declare a 2003 F35 Ford pickup with 26,005 miles as surplus property.

No. 06PL046 - A request by Boschee Engineering for Dr. Don Oliver for a **Layout Plat** on Lots 1 thru 6, Oliver Subdivision, formerly the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, located at 23657 Wilderness Canyon Road. Growth Management Director Elkins indicated that this comes forward with a recommendation of approval with stipulations; and that Stipulation #1 is in contention. Elkins outlined the stipulation – ‘An Exception to allow 155 dwelling units in lieu of 40 dwelling units with one point of access as per the Street Design Criteria Manual’. Elkins explained that the petitioner proposes to subdivide the property into two lots. Don Oliver, Rapid City indicated that his property is not being subdivided as part of commercial venture, but to provide a lot for a family member to build a home. Oliver pointed that there is no curb, gutter, street light conduit, water, sewer for nine miles; and indicated his desire to have a variance granted for these requirements. He indicated that the building site is 698’ to Hwy 16, and they will not overload Wilderness Canyon Road by building on the lot. Corey Jacobs, Rapid City indicated his disagreement with Stipulation #1 and asked that the Council strike the stipulation. Olson moved, second by Hurlbut to approve the Layout Plat with the following stipulations: 1 Grant an Exception to allow 155 dwelling units in lieu of 40 dwelling units with one point of access as per the Street Design Criteria Manual. 2. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval; 3. Upon submittal of a Preliminary Plat application, a drainage plan 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; 4. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval; 5. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, a water systems analysis verifying source, adequate water quantity and storage capacity for domestic and fire flows shall be submitted for review and approval; 6. Upon submittal of a Preliminary Plat application, a Utility Master Plan including public and private utilities shall be submitted for review and approval; 7. Upon submittal of the Preliminary Plat application, road construction plans for Wilderness Canyon Road shall be submitted for review and approval. In particular, Wilderness Canyon Road shall be constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 8. Prior to submittal of a Preliminary Plat application, the property shall be rezoned through the County to support the proposed lot sizes or the plat document shall be revised accordingly; 9. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show each of the residences on a separate lot or one of the residences shall be removed from the property or surety shall be posted to insure that the residence will be removed; 10. Upon submittal of a Final Plat application, a reserve area shall be shown or a note shall be placed on the plat indicating that at the time a Building Permit

application is submitted, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided; 11. Prior to submittal of a Final Plat, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual; 12. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 13. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the community water facility for review and approval; 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. Motion carried.

The Mayor presented No. 06PL062, a request by CETEC Engineering Services, Inc. for Park Hill Development, Inc. for a **Preliminary Plat** on Lots 18 thru 35 of Block 2; Lots 14 thru 25 of Block 5; and the dedicated public right-of-way, Park Meadows Subdivision, located at the SW1/4 NE1/4 and the 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 and the unplatted balance of SE1/4 NE1/4, less right-of-way, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Smith Avenue. Olson moved, second by Schumacher and carried to deny without prejudice, at the applicant's request.

The Mayor presented No. 06PL072, a request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 7 of Tract B, Lots 8 thru 9 of Tract A, McMahan Subdivision; located in the NE1/4 SW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract A & B of McMahan Subdivision, located in the NE1/4 SW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Kathryn Avenue. Johnson moved, second by Okrepkie to approve the Preliminary Plat with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In particular, cross-sections through the drainage channel at the revised easement locations shall be submitted for review and approval verifying that the 100 year flow will be conveyed within the proposed easement; 2. Prior to Preliminary Plat approval by the City Council, additional water information and analysis shall be submitted for review and approval demonstrating that sufficient quantities for domestic and fire flows shall be provided during peak day use conditions; 3. Prior to Preliminary Plat approval by the City Council, a utility plan showing service locations shall be submitted for review and approval; 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, separate plat applications and documents shall be submitted for McMahan Subdivision and New Park Subdivision; 6. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along all of Lot 9 as it abuts Kathryn Avenue or an Exception to the Street Design Criteria Manual shall be obtained; 7. Prior to submittal of a Final Plat application, the plat document shall be revised to show the book and page for the existing recorded Kathryn Avenue and Champion Drive rights-of-way; and, 8. 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. If Tax Increment Financing is to be used to provide the required surety, the Project Plan shall be revised and the Developer's Agreement shall be approved and signed by the developer. In response to a question from Alderman Hadcock, Elkins explained that the Rainbow Ridge Tax Increment Finance District includes a well; is identified in the developer's agreement; and slated

for construction in 2008. Upon a vote being taken to approve, motion carried with Alderman Kroeger abstaining.

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. No comments or objections were voiced. Chapman moved, second by Okrepkie and carried to close the public hearing.

Chapman moved, second by Okrepkie and carried to approve the following alcohol license application:

97. SCL, Inc. dba **The Hall Inn**, 214 East St. Joseph Street for a Retail (On-Off Sale) Malt Beverage License transfer from Stanley Kline dba **The Hall Inn**, 214 East St. Joseph Street with Video Lottery
98. Two Lefties' and Pancho's Mexican Grill, LLC dba **Pancho's Mexican Grill**, 1221 West Omaha Street for a Retail (On-Off Sale) Malt Beverage license without Video Lottery

Package (Off-Sale) Malt Beverage License Renewal 2006-2007

99. ETS, Inc. dba **Berry Patch Campground**, 1860 East North Street for a Package (Off-Sale) Malt Beverage License
100. Mini Mart, Inc. dba **Mini Mart #443**, 3106 West Main Street for a Package (Off-Sale) Malt Beverage License
101. Mini Mart, Inc. dba **Mini Mart #444**, 1627 Mt. Rushmore Road for a Package (Off-Sale) Malt Beverage License
102. Mini Mart, Inc. dba **Mini Mart #447**, 1601 North Haines Avenue for a Package (Off-Sale) Malt Beverage License
103. Mini Mart, Inc. dba **Mini Mart #451**, 4260 Canyon Lake Drive for a Package (Off-Sale) Malt Beverage License

Retail (On/Off Sale) Malt Beverage License No Video Lottery Renewal 2006-2007

104. Khoury's Mediterranean Cuisine, Inc. dba **Khoury's Mediterranean Cuisine**, 2520 West Main for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
105. Mary Jane or Oliver Freimark dba **Embers Bar B Q**, 5412 South Hwy 16 for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
106. Dan Trieu Ly dba **Golden Fortune**, 1204 East North Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
107. NPC International, Inc. dba **Pizza Hut #2776**, 2604 West Main for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
108. S & Y, Inc. dba **The Golden Phoenix**, 2421 West Main for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
109. Ristorante Marsala, LLC dba **Ristorante Marsala**, 609 Main Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery

Retail (On/Off Sale) Malt Beverage License With Video Lottery Renewal 2006-2007

110. Angies, Inc. dba **Angie's**, 1028 East North Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
111. High Plains Securities dba **Down Under Sports Bar (inactive)**, 504 Mt. Rushmore Road for a Retail (On-Off Sale) Malt Beverage License with Video Lottery

Package (Off-Sale) Liquor License

112. Orris Enterprises, Inc. dba **Vino 100**, 520 7th Street, Suite 520 for a Package (Off-Sale) Liquor License

Special Wine License

113. **Black Hills Heritage Festival** for a special Wine License for an event scheduled July 1, 2006 in Memorial Park
114. **Rapid City Regional Hospital Foundation** for a special Wine License for an event scheduled June 30, 2006 at The Golf Club at Red Rock, 6520 Birkdale Drive

Set for Hearing (July 5, 2006)

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

Retail (On/Off Sale) Malt Beverage License No Video Lottery Renewal 2006-2007

115. Black Hills Food Services, Inc. dba **Fuddruckers**, 2200 N. Maple Avenue (Rushmore Mall) for a Retail (On-Off Sale) Malt Beverage License without Video Lottery

Retail (On/Off Sale) Malt Beverage License With Video Lottery Renewal 2006-2007

116. SCL, Inc. dba **The Hall Inn**, 214 East St. Joseph Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery

ITEMS FROM THE MAYOR

With the consent of the City Council, Mayor Shaw asked for the confirmation to appoint Linda Anderson to the City Center Revitalization Task Force; whereupon Johnson moved to confirm. Second by Chapman. Motion carried.

ITEMS FROM COUNCIL MEMBERS/LIAISON REPORTS

Alderman Kooiker proposed that the Council consider starting their proceedings at 6:30 P.M.; moving the Awards and Recognitions outside of the official Council proceedings, to begin at 6:00 P.M. Kooiker indicated that it is nice to recognize people and their contributions, but it does not need to be done at the beginning of the official council proceedings, and suggested the Awards and Recognitions be done on camera for the benefit of the viewing public. Kooiker suggested that the Council proceedings are too long and too late. Alderman Johnson reported a scheduled Council retreat, and indicated that the Council's policies and procedures will be discussed at a regularly scheduled Information Meeting. Alderman Chapman indicated the Council will gather informally, Monday, June 26, 2006 at 5:00 P.M. at the Rushmore Plaza Civic Center, Red Room; recommended Alderman Kooiker's suggestion be included in their discussion; and urged other members to contact the Mayor's Office with their suggested topics

for discussion during the retreat. Alderman Olson indicated her concern that new Council members be contacted and urged to attend the retreat. Kooiker moved, second by Okrepkie to take Council meeting start times and frequency to that Council meeting for action, next Monday. Alderman Johnson reminded the members that this is a Council retreat only, and Council will take no action. Alderman Kroeger offered no support for the motion on the floor; and indicated that members can simply add topics to the list of items to be discussed. Alderman Hurlbut requested the probable cost of adding a time stamp at the bottom of the video that people view of the meetings. With the consent of the Council, Alderman Kooiker withdrew the motion. Alderman Olson indicated her need to create a record of the discussion.

Alderman Kooiker raised an issue of importance to himself. He explained that when a constituent approaches their Council member and expresses a concern, it is important that the issue is addressed; and it is important that City staff, that assists in that, that the issue be handled respectfully. Kooiker reported a situation with the Dial-A-Ride Service that was shared with the Director of Rapid Transit. He indicated his constituent was not contacted directly, but rather the constituent's employer was contacted. Kooiker indicated his hope that this situation has been resolved in the terms of the retaliation that occurred against his constituent. Alderman Hadcock reported her positive experiences in her dealings with Rapid Transit and its Director, and suggested that it is pertinent to have all the facts before complaining. Alderman Johnson called for a point of order, suggesting personnel issues were being discussed and it was not professional.

Alderman Hadley reported that Sign Board Task Force, appointed early 2006, has not met. As this is his last meeting, he asked that the Task Force move forward. Kooiker moved, second by Schumacher to ask that name be forward at the June 28, 2006 Legal & Finance Committee meeting. The Chair clarified that the Council confirmed the appointments to the Task Force. With the consent of the Council, Alderman Kooiker withdrew the motion. Alderman Hurlbut reported delays due to the schedules of the members.

Kooiker moved, second by Olson to refer the sewer issues at 504 East Madison Street to the June 27, 2006 Public Works Committee meeting. Motion carried.

FINANCE OFFICER'S ITEMS

Finance Officer Preston requested authorization for the Mayor and Finance Officer to sign an agreement with the Festival of Presidents for the use of City-owned bleachers for the July 1, 2006 parade; indicating the agreement is a work in progress and has been submitted the City Attorney's Office for review. Preston indicated that the agreement includes an insurance requirement, a damage fee of \$500, and a \$150 setup fee. Preston explained that the setup fee covers the cost of transportation, setup, and recovery. He also explained that the fee structure has not been approved by the Council, but that will be the recommendation of staff.

Mayor Shaw indicated he had asked for a meeting with the School District, School of Mines and City staff to work out a master plan for use of all eighteen bleachers. Shaw indicated that the Civic Center agreed they could use their scheduling calendar; be the point of contact for all eighteen bleachers; and transport, setup, and recover the bleachers. He suggested the City Council should decide on the fees; and asked that Council approve the use of the bleachers by the Festival of Presidents. Hadcock moved, second by Olson to approve the use of the

bleachers by the Festival of Presidents for the July 1, 2006 parade, and waive any fees. Motion carried.

BID AWARDS

The following companies submitted bids for No. CC061906-02, Lemmon Avenue Reconstruction - Van Buren Street to College Avenue Project No. ST05-1438 / CIP No. 50120 Opened June 13, 2006: R.C.S. Construction, Inc., Hills Materials Company, Simon Contractors of South Dakota, Inc., Mainline Contracting, Inc., and Highmark, Inc. Staff reviewed the bids and recommends the bid award to R.C.S. Construction, Inc. Olson moved, second by Okrepkie and carried to approve the bid award of the Lemmon Avenue Reconstruction - Van Buren Street to College Avenue Project No. ST05-1438, to the lowest responsible bidder meeting specifications, R.C.S. Construction, Inc. for the low unit prices bid for a total contract amount of \$1,191,140.36.

The following companies submitted bids for No. CC061906-02, East Saint Patrick Street Water Main Abandonment and Concrete Panel Replacement Project No. W06-1545 / CIP No. 50622 opened June 13, 2006: Stanley J. Johnsen Concrete Contractor, Inc., Tru-Form Construction, Inc., and Hills Materials Company. Staff reviewed the bids and recommends the bid award to Stanley J. Johnsen Concrete Contractor, Inc. Olson moved, second by Chapman and carried to approve the bid award of the East Saint Patrick Street Water Main Abandonment and Concrete Panel Replacement Project No. W06-1545, to the lowest responsible bidder meeting specifications, Stanley J. Johnsen Concrete Contractor, Inc. for the low unit prices bid for a total contract amount of \$235,879.10.

The following companies submitted bids for One (1) 2006 Model Year, or newer, Manufacture’s Demonstrator Triple Combination Pumper for the Fire Department opened June 19, 2006: Pierce Manufacturing and M & T Fire and Safety, Inc. – Crimson Fire. Staff reviewed the bids and recommends the bid award to Pierce Manufacturing. Olson moved, second by Okrepkie and carried to approve the bid award of the 2006 Model Year, or newer, Manufacture’s Demonstrator Triple Combination Pumper, to the lowest responsible bidder meeting specifications, Pierce Manufacturing for the low unit prices bid for a total contract amount of \$332,597.50.

APPROVAL OF BILLS

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

First Administrators, claims paid 06-06-06	35,325.66
Pennington County Auditor, PSB Construction & Parking	9,024.65
West River Electric Association, electricity	19,481.18
Berkley Risk Administrators, May claims	20,061.71
United States Postmaster, postage	800.00
Computer Bill List	<u>3,275,239.91</u>
Subtotal	\$3,359,933.11

Charles Braunersrither, volunteer stipend	150.00
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CITY COUNCIL

JUNE 19, 2006

City of Rapid City, postage	7.36
City of Rapid City, health insurance	733.00
Dakota Business Center, copier paper & maintenance	18.21
Prairie Wave Communications, telephone	36.10
SD Retirement Systems, pension	352.20
Standard Life, life insurance	<u>3.50</u>
Total	\$3,361,233.48

Correction to City of Rapid City, postage	7.78
Stanley J. Johnsen Concrete Contractor, Inc., Project #MIP05-1479	<u>13,185.10</u>
Total	\$3,374,419.00

CITY ATTORNEY'S ITEMS

Okrepkie moved, second by Hadcock and carried to go into Executive Session at 11:08 P.M. P.M. to discuss pending litigation, and contractual and personnel matters. The Council came out of Executive Session at 11:37 P.M. P.M. with all members present:

Okrepkie moved, second by Hadcock and carried to direct staff to continue negotiations with Mr. Borgmeyer for the water reservoir site; and have staff delay proceeding with the Red Rock site until the next Council meeting.

Chapman moved, second by Olson and carried to reject the settlement offer proposed in the Colonial Motel matter, and direct the City Attorney's Office to proceed in accordance with the discussions in executive session.

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 11:39 P.M.

ATTEST:

CITY OF RAPID CITY

Finance Office

Mayor

(SEAL)