

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

January 15, 2007

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, January 15, 2007 at 7:00 P.M.

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

Staff members present included Finance Officer Jim Preston, City Attorney Jason Green, Growth Management Director Marcia Elkins, Public Works Director Dirk Jablonski, Fire Chief Gary Shepherd, Police Chief Craig Tieszen, Parks & Recreation Director Jerry Cole, Civic Center Manager Brian Maliske, and Administrative Coordinator Jackie Gerry.

ADOPTION OF AGENDA

- Authorize the Mayor and Finance Officer to sign a second Amendment to an Agreement with Harley F. Taylor to share in sanitary sewer main construction costs
- Authorization to install sanitary sewer under proposed Cornerstone Transitional Housing building
- Dr. Martin Luther King Birthday, Alderman Chapman
- Jackson Springs public meeting, Alderman Kooiker
- Authorize the Mayor and Finance Officer to sign an Amendment to Assignment Agreement for Private Development Tax Increment District Number Fifty Six
- Executive Session

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

APPROVE MINUTES

Chapman moved, second by Okrepkie and carried to approve the minutes of January 2, 2007 and Information Meeting of December 20, 2006.

AWARDS AND RECOGNITIONS

Mayor Shaw presented the Veteran of the Month for January, 2007 to Donald J. Brunner and recognized his efforts and dedication to the service of his country and community.

Mayor Shaw presented Certificates of Recognition to the following employees and acknowledged their years of service to the City: Robert Druckery for 20 years with the Water Reclamation Facility and Gunar Dzintars for 30 years with the Common Energy Plant.

On behalf of the Rapid City Fire Department, Fire Chief Gary Shepherd accepted the Certificate of Appreciation for Outstanding Support to the Army Civil Support Readiness Group issued by the United States Department of Army.

GENERAL PUBLIC COMMENT

Steven Brenden, Rapid City reported attending a meeting that was closed to the public. He indicated that it is one thing to help facilitate and participate in government, it is another to interfere. Brenden offered an apology to the City Council for having attended the closed meeting. Brenden also addressed the financing of the Civic Center expansion project and suggested the City should address the lack of parking, ventilation system, and heating and air conditioning systems at the Civic Center. He indicated that the Civic Center will create more minimum wage jobs, but he did not consider this economic development.

Rick Livesey, Rapid City asked the City Council to adopt a Resolution that would proclaim no City Council meetings on Martin Luther King Day. Livesey suggested the City Council has the power to set an example of leadership by recognizing this day. He pointed out that Martin Luther King Day is a federal holiday; also known as Human Rights Day and Civil Rights Day. It's a day to reach out and empower individuals, and bridge racial barriers, and strengthen the community.

NON-PUBLIC HEARING ITEMS -- Items 4 - 71

Okrepkie moved, second by Olson and carried to open the public comment period for agenda items 4 – 43. No comments were offered. Chapman moved, second by Olson and carried to close the public comment period for agenda items 4 – 43.

CONSENT ITEMS – Items 4 - 43

The following items were removed from the Consent Calendar:

15. No. PW010907-12 – Approve a Resolution Fixing Time and Place for Hearing on Assessment Roll for East Franklin Street Sanitary Sewer Project No. SS06-1557 for February 5, 2007.
24. No. LF121306-28 – Approve Resolution Clarifying the Rushmore Plaza Civic Center's Policy on Petitioning on Civic Center Property and the Resolution of Rushmore Plaza Civic Center Board Adopting a Policy to Handle Requests to Accommodate Petitioners with Disabilities.

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

Set for Hearing (February 19, 2007)

4. No. 06VR011 - A request by Renner & Associates for Pete Lien and Sons for a **Vacation of Right-of-Way** on the Feist Road right-of-way located in the NW1/4 of the NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located southwest of the intersection of Schaffer Road and Universal Drive.

Alcoholic Beverage License Applications Set for Hearing (February 5, 2007)

5. Raymond Graff dba **Dublin Square**, 504 Mt. Rushmore Road for a Retail (On-Sale) Liquor License TRANSFER from SKS Productions dba **Venue Eight**, 504 Mt. Rushmore Road
6. Dan Trieu Ly dba **Golden Fortune**, 1204 East North Street for a Retail (On-Sale) Wine License
7. **Pennington County Democratic Party** for a Special Wine License for an event scheduled February 9, 2007 at Prairie Edge Trading Company & Galleries, 606 Main Street

Public Works Committee Consent Items

8. No. PW010907-04 – Approve Change Order No. 2F for Phase 1C - Soo San Water Main Extension, Water Treatment Plant Backwash System Improvements and Sioux San & Pinedale #2 Booster Station Modifications Project No. W06-1425.1C / CIP No. 50570 to Mainline Contracting, Inc. for a decrease of \$526.82.
9. No. PW010907-06 – Authorize staff to advertise for bids for North Deadwood Avenue Sanitary Sewer Expansion Project No. SSW02-1258 / CIP #50315.
10. No. PW010907-07 - Authorize the Mayor and Finance Officer to sign a Water Construction Fee Resolution for the Villaggio at Golden Eagle.

RESOLUTION

WHEREAS, Rapid City Municipal Code Section 13.04.095 and SDCL Section 9-47-16 allows the Common Council to impose water construction fees for connection to the water utility in certain areas; and

WHEREAS, water mains have been constructed near the Villaggio at Golden Eagle Subdivision per plans filed with the City under City Development File No. DEV06-823: Villaggio at Golden Eagle Subdivision as shown on Exhibit A, attached hereto and incorporated hereto; and

WHEREAS, the City requested the Developer to oversize the water main from an 8” to a 10” diameter water main to provide additional capacity to accommodate future surrounding area growth, and the City has paid the developer \$9,403.13 for the requested oversize; and

WHEREAS, water main costs associated with the Villaggio at Golden Eagle Subdivision, City Development File No. DEV06-823, should be proportioned according to the benefit each property receives; and

WHEREAS, the oversize costs for the 10” water main total \$9,403.13 and will be proportioned to the properties identified in Exhibit A according to the benefits to accrue to such property before such property shall be served with such facilities; and

WHEREAS, these utility construction fees are based on the benefits that accrue to such property, and should be established on a per-acre system. “Benefiting areas” include those properties that will benefit from increased water main diameter to service the regional area, and do not necessarily directly abut newly constructed water mains. Thus, these properties may need to extend additional water mains at their cost prior to connecting to this infrastructure; and

WHEREAS, the Common Council finds, after conducting a comprehensive investigation of the areas benefited by the construction of the water mains associated with the Villaggio at Golden Eagle Subdivision, City Development File No. DEV06-823, that such utility construction fees are appropriate and in the best interest of the City, community, and the water utility.

NOW, THEREFORE, be it resolved that utility construction fees are hereby imposed on the property that benefits from the oversize portion of the construction of the water main associated with the Villaggio at Golden Eagle Subdivision, City Development File No. DEV06-823; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A shall be required to pay its proportional share of the oversize cost of construction of the water main associated with the Villaggio at Golden Eagle Subdivision City Development File No. DEV06-823 prior to being served with City water; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A as benefiting property shall pay \$273.67 per acre prior to connection to the City’s water main; and

BE IT FURTHER RESOLVED that all water construction fees collected as established herein shall accrue to the water utility enterprise fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$9,403.13 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 15th day of January, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 11. No. PW010907-08 - Authorize the Mayor and Finance Officer to sign a Water Construction Fee Resolution for Eastridge Estates Subdivision (South).

RESOLUTION

WHEREAS, Rapid City Municipal Code Section 13.04.095 and SDCL Section 9-47-16 allows the Common Council to impose water construction fees for connection to the water utility in certain areas; and

WHEREAS, water mains have been extended in the Eastridge Estates Subdivision (Phase I & II) per plans filed with the City under City Development Files No.’s DEV02-523: Eastridge Subdivision Phase I and DEV04-682: Eastridge Subdivision Phase II as shown on Exhibit A, attached hereto and incorporated hereto; and

WHEREAS, the City has requested the developer to oversize the water mains from an 8" to a 16" diameter water main to provide additional capacity to accommodate future upstream growth, and the City has paid the developer \$50,232.01 for the requested installation; and

WHEREAS, water main costs associated with the Eastridge Estates Subdivision (Phase I & II), City Development File No.'s DEV 02-523 and DEV04-682 should be proportioned according to the benefit each property receives; and

WHEREAS, the oversize costs for the 16" water main identified in Exhibit A total \$50,232.01 and will be proportioned to the properties identified in Exhibit A according to the benefits to accrue to such property before such property shall be served with such facilities; and

WHEREAS, these utility construction fees are based on the benefits that accrue to such property, and should be established on a per-acre system. "Benefiting areas" include those properties that will benefit from increased water main diameter to service the regional area, and do not necessarily directly abut newly constructed water mains. Thus, these properties may need to extend additional water mains at their cost prior to connecting to this infrastructure; and

WHEREAS, the Common Council finds, after conducting a comprehensive investigation of the areas benefited by the construction of the water mains associated with the Eastridge Estates Subdivision (Phase I & II), City Development File No.'s DEV02-523 and DEV04-682, that such utility construction fees are appropriate and in the best interest of the City, community, and the water utility.

NOW, THEREFORE, be it resolved that utility construction fees are hereby imposed on the property that benefits from the portion of the construction of the water main associated with Eastridge Estates Subdivision (Phase I & II), City Development File No.'s DEV02-523 and DEV04-682; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A shall be required to pay its proportions share of the cost of construction of the water mains associated with Eastridge Estates Subdivision (Phase I & II), City Development File No.'s DEV02-523 and DEV04-682 prior to being served with City water; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A as benefiting property shall pay \$1,082.11 per acre prior to connection to the City's water main; and

BE IT FURTHER RESOLVED that all water construction fees collected as established herein shall accrue to the Water Utility Enterprise Fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$50,232.01 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 15th day of January, 2007.

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

ATTEST:
s/ James F. Preston
Finance Officer

(SEAL)

- 12. No. PW010907-09 - Authorize the Mayor and Finance Officer to sign a Water Construction Fee Resolution for Eastridge Estates Subdivision (North).

RESOLUTION

WHEREAS, Rapid City Municipal Code Section 13.04.095 and SDCL Section 9-47-16 allows the Common Council to impose water construction fees for connection to the water utility in certain areas; and

WHEREAS, water mains have been extended in the Eastridge Estates Subdivision (Phase I & II) per plans filed with the City under City Development Files No.'s DEV02-523: Eastridge Subdivision Phase I and DEV04-682: Eastridge Subdivision Phase II as shown on Exhibit A, attached hereto and incorporated hereto; and

WHEREAS, the City has requested the developer to oversize the water main from an 8" to a 16" diameter water main to provide additional capacity to accommodate future upstream growth, and the City has paid the developer \$103,717.93 for the requested installation; and

WHEREAS, water main costs associated with the Eastridge Estates Subdivision (Phase I & II), City Development File No.'s DEV02-523 and DEV04-682 should be proportioned according to the benefit each property receives; and

WHEREAS, the oversize water main costs for the 16" water main identified in Exhibit A total \$103,717.93 and will be proportioned to the properties identified in Exhibit A according to the benefits to accrue to such property before such property shall be served with such facilities; and

WHEREAS, these utility construction fees are based on the benefits that accrue to such property, and should be established on a per-acre system. "Benefiting areas" include those properties that will benefit from increased water main diameter to service the regional area, and do not necessarily directly abut newly constructed water mains. Thus, these properties may need to extend additional water mains at their cost prior to connecting to this infrastructure; and

WHEREAS, the Common Council finds, after conducting a comprehensive investigation of the areas benefited by the construction of the water mains associated with the Eastridge Estates Subdivision (Phase I & II), City Development File No.'s DEV02-523 and DEV04-682, that such utility construction fees are appropriate and in the best interest of the City, community, and the water utility.

NOW, THEREFORE, be it resolved that utility construction fees are hereby imposed on the property that benefits from the portion of the construction of the water main associated with Eastridge Estates Subdivision (Phase I & II), City Development File No.'s DEV02-523 and DEV04-682; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A shall be required to pay its proportions share of the cost of construction of the water mains associated with Eastridge Estates Subdivision (Phase I & II), City Development File No.'s DEV02-523 and DEV04-682 prior to being served with City water; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A as benefiting property shall pay \$790.57 per acre prior to connection to the City's water main; and

BE IT FURTHER RESOLVED that all water construction fees collected as established herein shall accrue to the Water Utility Enterprise Fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$103,717.93 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 15th day of January, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 13. No. PW010907-10 – Authorize the Mayor and Finance Officer to sign Amendment No. 4 to the Professional Services Agreement with CETEC Engineering for the Country Road Regional Lift Station Project No. SS03-1255 – CIP #50376 for an amount not to exceed \$35,598.00.
- 14. No. PW010907-11 – Authorize the Mayor and Finance Officer to sign a Joint Funding Agreement with the US Geological Survey for Water Resources Investigations from January 1, 2007 through December 31, 2007 for an amount of \$138,000.00.
- 16. No. PW010907-13 – Authorize staff to Seek Proposals for Elk Vale Reservoir Project No. W07- 1638 / CIP #50321.

Legal & Finance Committee Consent Items

- 17. No. LF011007-34 - Approve reappointment of Monte Loos and appointment of Robert Van Norman to the Rapid City Library Board.
- 18. No. LF011007-35 - Approve appointment of Charles Tenant to the Parks & Recreation Advisory Board.
- 19. No. LF011007-36 - Approve appointment of Bill Waugh to the Rushmore Plaza Civic Center Board.
- 20. No. LF011007-01 – Approve reappointment of Rick Clegg (Wholesale Business), Steve Street (Contractor), George Thompson (Natural Gas), Ron Wagner (Mechanical

- Installer), for a two year term on the Mechanical Board effective January 1, 2007 through December 31, 2008.
21. No. LF011007-02 – Approve reappointment of Eric Farrar and Gene Hunter to the Sign Contractor Board for a two year term effective January 1, 2007 through December 31, 2008.
 22. No. LF011007-03 – Approve reappointment of Jim Bickett and Scott Sogge to the Residential Contractor Board for a two year term effective January 1, 2007 through December 31, 2008.
 23. No. LF011007-04 – Approve reappointment of John Herr to the Zoning Board of Adjustment for a three year term effective January 1, 2007 through December 31, 2009.
 25. No. LF011007-07 – Direct the Public Works Department to prepare the easement documents necessary to vacate the alley between Lemmon Avenue and Blaine Avenue, Van Buren Street and Adams Street and to request staff to prepare the necessary applications and to work with the neighbors to obtain signatures thereon.
 26. No. LF011007-09 – Authorize Mayor and Finance Officer to sign Medical Directors Agreement with Dr. Manning for 2007.
 27. No. LF011007-11 – Approve Travel Request for Brad Solon, Building Official (Growth Management) and Daniel Ladenburger and Damon Hartmann (Fire Department) to attend the ICC International Codes Training Seminar in Denver, CO, March 4-9, 2007 in an approximate amount of \$2,624.22.
 28. No. LF011007-20 – Approve request to extend Basin Electric Intertie Study Area to June 27, 2007.
 29. No. LF011007-33 – Approve Travel Request for Angie Weeks to Attend RSVP Conference on adult aging in Chicago, IL, March 6-9, 2007, in the approximate amount of \$1,736.
 30. No. LF011007-23 – Approve Resolution Authorizing the Resubmittal of a Request for Grant Funding for Transportation Enhancements and Authorizing the Mayor to Sign Application on Behalf of the City.

A RESOLUTION AUTHORIZING THE RESUBMITTAL OF A REQUEST FOR GRANT FUNDING FOR TRANSPORTATION ENHANCEMENTS AND AUTHORIZING THE MAYOR TO SIGN APPLICATION ON BEHALF OF THE CITY OF RAPID CITY

WHEREAS, the President of the United States of America signed into law the Transportation Equity act of 1998 (TEA-21) on June 9, 1998; and

WHEREAS, TEA-21 provides for the distribution of funds to local governments for Transportation Enhancements; and

WHEREAS, the State of South Dakota has set aside TEA-21 funds for Transportation Enhancements; and

WHEREAS, the local governments have been granted an opportunity to submit requests for grant support on or before February 1, 2007; and

WHEREAS, the Saint Joseph Street Landscape Improvements Project will visually enhance the community's "east-west" arterial through the Downtown business District; and

WHEREAS, this project would potentially qualify for TEA-21 funds; and

WHEREAS, the city of Rapid City supports authorizing an application to request a grant of TEA-21 funds to be used to complete the Saint Joseph Street Landscape Improvements Project.

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that the Common Council does hereby authorize the submittal of applications for funding for the project listed below.

PROJECT NAME	TOTAL GRANT COST	CITY'S COST
Saint Joseph Street Landscape Improvements	\$415,500	\$75,000

BE IT FUTHER RESOLVED, that in accordance with the requirement that local governments must provide not less than 18.05% cash match for the grant that the City of Rapid City hereby agrees to provide matching funds in the amount of \$75,000 for this project; and

BE IT FURTHER RESOLVED, that the City of Rapid City hereby agrees to insure that the project complies with all local zoning and planning regulations; and

BE IT FURTHER RESOLVED, that the City of Rapid City hereby agrees to provide proper maintenance for the Saint Joseph Street Landscape Improvements as required by the Federal Highway Acts as amended and supplemented thereto.

Dated this 15th day of January, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 31. No. LF011007-24 - Approve the recommendation on the formation of the Urban Wildlife Subcommittee with the request that the Game, Fish & Parks representative be appointed as a liaison or non-voting member to the subcommittee.
- 32. No. LF011007-29 – Authorize Mayor and Finance Officer to sign Assignment Agreement for Private Development Tax Increment District Number Fifty Four between Bankwest and DTH, LLC.
- 33. No. LF011007-30 – Approve Covenant Agreement with Cotesford & Chamberlain at 818 Saint Joseph Street per the recommendation of DARB.
- 34. No. LF011007-31 – Authorize the Mayor to sign Letter of Intent to apply for Safe Haven Grant through the United States Department of Justice’s Office of Violence Against Women as the Local Government Co-applicant with Working Against Violence, Inc. (WAVI).
- 35. Approve the following licenses: Central Station Service: Central Station, Inc., Don H Minyard; Criticom International Corp, Robert Few; SAI Southeast Command Center,

Randall Talcott; Vector Security, Inc, John A Murphy; Metals & Gems: Best Pawn, Inc., Bruce R McKinney; Pawn Shop: Best Pawn, Inc, Bruce R McKinney; Pawn With Us, Robert M Tschetter; Second Hand: Best Pawn, Inc, Bruce R. McKinney; Big K Furniture, Kenneth D Sheffield; Game Exchange, Jacaline K Sales; Haggerty's Inc, Thomas J Haggerty; Play It Again Sports, Jim M Thomson; St Joe Antique Mall, Heath Epperson; Security Business: Mountain States Security, Inc, Karen Kierstead; Wackenhut Corp, Andrew L Eisaman; Taxi Business: Dial-A-Driver, Mark P Huffman; Wheelchair Services of the Black Hills, Michael E & Leanne T Weideman.

Growth Management Department Consent Items

- 36. No. 06AN005 - A request by Dream Design International, Inc. for a **Petition for Annexation** on the unplatted portion of the N1/2 of the N1/2 of the NW1/4 of the NW1/4 and the N1/2 of the N1/2 of the NE1/4 of the NW1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southern terminus of Jolly Lane. (PETITION FOR ANNEXATION is approved contingent on any payment due to the Rapid Valley Fire Protection District.)

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

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

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

the unplatted portion of the N1/2 of the N1/2 of the NW1/4 of the NW1/4 and the N1/2 of the N1/2 of the NE1/4 of the NW1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

Dated this 15th day of January, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 37. No. 06PL087 - A request by Centerline, Inc. for PLM Development, LLC for a **Preliminary Plat** on Lots 16 thru 35, Block 1; Lots 17 thru 38, Block 2; and Lots 1 thru 6

in Block 4, PLM Subdivision, formerly a parcel of land located in the NW1/4, Section 24; and the SW1/4 SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NW1/4, Section 24; and the SW1/4 SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Minnesota Street and west of Fifth Street. (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, the plat document shall be revised to dedicate a 52 foot wide right-of-way for all of Stumer Road and the extraordinary right-of-way area shall be removed from the plat document; 3. Prior to Preliminary Plat approval by the City Council, road construction plans for Enchanted Pines Drive extending from Stumer Road to the west lot line shall be submitted for review and approval. In particular, the road construction plans shall show 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 or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to Preliminary Plat approval by the City Council, road construction plans for the north-south section line highway and the east-west section line highway shall be submitted for review and approval. In particular, the road construction plans shall show the streets 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 highways shall be vacated or the plat document shall be revised eliminating this portion of the subject property from the Preliminary Plat; 5. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street shall be posted with no parking signs along the proposed 45 foot wide access easement or an Exception to the Street Design Criteria Manual shall be obtained to waive the requirement to provide visitor parking or revised road construction plans shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the plat document shall be revised to show the access easement as an "access and utility easement"; 6. Prior to Preliminary Plat approval by the City Council, a utility distribution sheet, signed by the appropriate representative, showing locations of gas, telephone, electric and cable television shall be submitted for review and approval; 7. Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In particular, the drainage information shall include calculations demonstrating that the 12 inch storm sewer shown is adequately sized. In addition, the plat document shall be revised to show drainage easements as needed; 8. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; 9. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 10. Prior to submittal of a Final Plat application, the plat document shall be revised to show non-access easements in compliance with the Street Design Criteria Manual. In particular, a non-access easement shall be shown along the first fifty feet of all corner lots; 11. Prior to

submittal of a Final Plat application, the plat document shall be revised renumbering one of the Block 4 designations. In addition, the lot(s) within that block shall be renumbered as needed; 12. Prior to submittal of a Final Plat application, different street names for North Fork Road and Middle Fork Lane shall be submitted to the Emergency Services Communication Center for review and approval. In addition, a street name for the proposed 45 foot wide access easement shall be submitted for review and approval. The plat document shall also be revised to show the approved street names; and, 13. 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.)

38. No. 06PL123 - A request by Renner Associates for Rande Robinson for a **Layout Plat** on Lots 9R and 10R, formerly Lots 9 and 10, Cambell Square Addition, located in Government Lot 4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 9 and 10, Cambell Square Addition, located in Government Lot 4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1410 Centre Street. (LAYOUT PLAT IS DENIED WITHOUT PREJUDICE.)
39. No. 06PL133 - A request by Sperlich Consulting, Inc. for Doeck, LLC for a **Preliminary Plat** on Lots 16 thru 23, Block 1; Lots 1 thru 5, Block 3; Lots 1 thru 10, Block 4; Lots 1 thru 16, Block 5; Lots 1 thru 6, Block 6; and drainage Lot 1, Brookfield Subdivision, formerly a portion of the NE1/4 SE1/4, Section 13, located in the NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 SE1/4, Section 13, located in the NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Three Rivers Drive. (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, the plat document shall be revised to provide a street connection to the north lot line as a part of this phase of the development. In addition, the construction plans shall be revised accordingly; 3. Prior to Preliminary Plat approval by the City Council, the road construction plans for Colbalt Drive shall be revised to show the street located in a minimum 68 foot wide right-of-way in lieu of a 60 foot wide right-of-way or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to Preliminary Plat approval by the City Council, road construction plans for the north-south section line highway shall be submitted for review and approval. In particular, the road construction plans shall show the streets constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated; 5. Prior to Preliminary Plat approval by the City Council, the sewer plans shall be revised to allow the existing holding tank to serve this phase of the development on an interim basis until the Country Road lift station is complete and operational or the applicant shall enter into an agreement with the City precluding the occupancy of the residences until the Country Road lift station is operational; 6. Prior to Preliminary Plat approval by the City Council, a Utility Master Plan showing the extension of a 16 inch water main to the north lot line shall be submitted for review and approval; 7. Prior to Preliminary Plat approval by the

City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; 8. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 9. Prior to any disturbance of soil within the 100 year federally designated floodplain, a Floodplain Development Permit shall be obtained as needed. In addition, a 404 Permit shall be obtained from the Corp of Engineers if, and as needed; and, 10. 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.)

40. No. 06PL162 - A request by Wyss Associates for Web Land Holdings, LLC for a **Preliminary Plat** on Lot 2, located in the SE1/4, formerly a portion of Lot A, located in the SE1/4 SE1/4; and a portion of the unplatted balance, all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot A, located in the SE1/4 SE1/4; and a portion of the unplatted balance, all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of Tower Road and South Highway 16. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the Planning Commission, the plat document shall be revised to show the access easement as right-of-way in lieu of an access easement or an Exception shall be obtained to allow an easement to serve as access to five lots in lieu of four lots as per the Street Design Criteria Manual. In addition, the plat document shall be revised to show the adjacent parcels along the right-of-way as two separate lots; 2. Prior to Preliminary Plat approval by the City Council, a drainage plan designed in accordance with the Meade-Hawthorne Drainage Basin Plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; 3. Prior to Preliminary Plat approval by the City Council, water system plans prepared by a Registered Professional Engineer showing the extension of water mains in compliance with the adopted "Planning Report for Skyline, Terracita, Southwest, Carriage Hills and future Southwest Rapid City Water Service Zone" prepared by CETEC Engineering Inc. shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water system plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed; 4. Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, calculations shall be submitted for review and approval demonstrating adequate capacity of the downstream US Highway 16 lift station. In addition, the plat document shall also be revised to provide utility easements as needed; 5. Prior to Preliminary Plat approval by the City Council, a utility master plan including public and private utilities shall be submitted for review and approval. In particular, the utility master plan shall provide sewer and water service to the adjacent properties as well as looped system(s) as needed; 6. Prior to Preliminary Plat approval by the City Council, road construction plans for Mount Rushmore Road shall be submitted for review and approval. In particular, the construction plans shall show the installation of curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 7. Prior to Preliminary Plat approval by the City Council, construction plans for the access

easement shall be submitted for review and approval. In particular, the street shall be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained; 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Tower Road except for approved approach location(s). In addition, the plat document shall be revised to show a non-access easement along Mount Rushmore Road; 9. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 10. Prior to submittal of a Final Plat application, the plat document shall be revised to show the commercial street as "Fairmont Boulevard"; and, 11. 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.)

41. No. 06PL163 - A request by Wyss Associates for Web Land Holdings, LLC for a **Preliminary Plat** on Lot 1, located in the SE1/4, formerly a portion of the unplatted balance of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the western terminus of Cathedral Drive. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to City Council approval of the Preliminary Plat, the terms of the 20 foot wide utility easement shall be submitted for review and approval; 2. Prior to City Council approval of the Preliminary Plat, a utility master plan, including private and public utilities, shall be submitted for review and approval; 3. Prior to City Council approval of the Preliminary Plat, water system plans prepared by a Registered Professional Engineer showing the extension of water mains in compliance with the adopted "Planning Report for Skyline, Terracita, Southwest, Carriage Hills and future Southwest Rapid City Water Service Zone" prepared by CETEC Engineering Inc. shall be submitted for review and approval. In addition, the water system plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed; 4. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing a temporary turnaround at the end of Pevans Parkway; 5. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 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.)
42. No. 06PL175 - A request by Fisk Land Surveying for Judy Lien for a **Layout Plat** on Lots 2, 3 and 4 of LJS Subdivision, formerly a portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at Maple Avenue and Mall Drive. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional

corrosion protections shall be provided as needed for buried water system metal fixtures;

2. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
3. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Knollwood Drainage Basin and the Box Elder Drainage Basin shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that the design does not result in the interbasin transfer of drainage. In addition, the drainage plan shall include calculations demonstrating that developed flows from the site do not exceed pre-developed flows or local detention facilities must be provided or expanded as necessary. The plat document shall also be revised to provide drainage easements as needed;
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. In particular, the applicant shall enter into an agreement with the City to fund that portion of the sewer main extension along Mall Drive as it abuts Lot 2 or the applicant shall extend the sewer main as a part of this plat. In addition, the plat document shall also be revised to provide utility easements as needed;
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, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
6. Upon submittal of a Preliminary Plat application, road construction plans for Mall Drive shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
7. Upon submittal of a Preliminary Plat application, road construction plans for N. Maple Avenue shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
8. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met;
9. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
10. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show non-access easements as per the Street Design Criteria Manual. In particular, a non-access easement shall be shown along Mall Drive or an Exception to the Street Design Criteria Manual shall be obtained to allow access from the higher order street;
11. Prior to submittal of a Final Plat application, the plat document shall be revised to read "N. Maple Avenue" in lieu of "Maple Avenue";
12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

43. No. 06PL185 - A request by Renner & Associates for John Duffield for a **Preliminary Plat** on Lots 25 and 25 of Block 3 of Moon Meadows Estates, Section 34, T1N, R7E,

BHM, Rapid City, Pennington County, South Dakota, located at the southern terminus of North Star Road. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, information on depth and type of soil, capacity of septic tanks and percolation tests demonstrating that the soils are suitable for on-site wastewater treatment systems must be submitted for review and approval; 2. Prior to Preliminary Plat approval by the City Council, data to confirm that the well(s) have sufficient domestic flows and water quality must be submitted for review and approval; 3. Prior to Preliminary Plat approval by the City Council, the applicant shall dedicate an additional five feet of right-of-way for the cul-de-sac and submit construction plans for North Star Road for review and approval or obtain a Variance to the Subdivision Regulations; 4. Prior to Preliminary Plat approval by the City Council, the applicant shall obtain a Special Exception to allow a cul-de-sac in excess of 1,200 feet and to waive the requirement to provide intermediate turnarounds or the street must be redesigned to comply with the Street Design Criteria Manual; 5. Prior to Preliminary Plat approval by the City Council, the applicant shall submit a revised plat document with lot lines radial to the cul-de-sac for review and approval or obtain a Variance to the Subdivision Regulations; 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.)

END OF CONSENT CALENDAR

The Mayor presented No. PW010907-12, to approve a Resolution Fixing Time and Place for Hearing on Assessment Roll for East Franklin Street Sanitary Sewer Project No. SS06-1557 for February 5, 2007. Alderman Kooiker reminded the members of previous discussions about the appropriateness of the assessment for Les Vrbsky at 1231 E. Franklin, because he had a new sanitary sewer service line approved by the City. In response to a question from Alderman Kooiker, City Attorney Green advised that the Council has the ability to amend the assessment roll after taking comments during the hearing. Alderman Kooiker requested City Attorney Green to research the options relating to the assessment for Les Vrbsky, 1231 E. Franklin.

The following resolution was introduced, read, and Kooiker moved its adoption, with a request to the City Attorney to bring forward the various options.

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON ASSESSMENT ROLL FOR EAST FRANKLIN STREET SANITARY SEWER PROJECT NO. SS06-1557

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

1. The assessment roll for East Franklin Street Sanitary Sewer Project No. SS06-1557 was submitted to the Finance Office on the 15th day of January, 2007. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, February 5, 2007 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 15th day of January, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

The motion for the adoption of the foregoing resolution was seconded by Schumacher; and upon a vote being taken thereon, the following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon said resolution was declared duly passed and adopted.

The Mayor presented No. LF121306-28, to approve a Resolution Clarifying the Rushmore Plaza Civic Center’s Policy on Petitioning on Civic Center Property and the Resolution of Rushmore Plaza Civic Center Board Adopting a Policy to Handle Requests to Accommodate Petitioners with Disabilities. City Attorney Green recommended the City Council approve the policy on petitioning as recommended by the Civic Center Board. Green recommended no action on the accommodation policy since there is a comprehensive City-wide review of accommodations as it pertains to City polices, which is a part of the on-going ADA review process initiated by the Council.

Chapman moved, second by Olson to approve a Resolution Clarifying the Rushmore Plaza Civic Center’s Policy on Petitioning on Civic Center Property. Alderman Kooiker indicated his support of adopting the resolution if he had a guarantee from the Civic Center and City Hall that anyone with a disability would be reasonable accommodated until the completion of the ADA review process. He suggested the Resolution of Rushmore Plaza Civic Center Board Adopting a Policy to Handle Requests to Accommodate Petitioners with Disabilities could easily be amended upon completion of the ADA review.

Substitute motion was made by Kooiker, second by Schumacher to approve the following resolutions:

RESOLUTION CLARIFYING THE RUSHMORE PLAZA CIVIC CENTER’S
POLICY ON PETITIONING ON CIVIC CENTER PROPERTY

WHEREAS, the Rushmore Plaza Civic Center has previously adopted a policy that regulates people petitioning on Civic Center property; and

WHEREAS, the current policy allows people to petition if they remain outside the Civic Center and more than 15 feet from any of the entrances unless they are in an area of the Civic Center which has been leased to a tenant and they are in the leased area with the tenant's permission; and

WHEREAS, the written policy is in need of revision and clarification so that it accurately reflects that policy.

NOW THEREFORE, BE IT RESOLVED by the Rushmore Plaza Civic Center Board that the following policy regulating petitioning on the grounds of the Rushmore Plaza Civic Center is hereby adopted:

1. Petitioning is prohibited inside the Civic Center unless the petitioner is located in an area that has been leased to a tenant of the Civic Center and they have the express permission of the tenant to be in the leased space.
2. Petitioning is permitted outside of the Civic Center building so long as the petitioner remains 15 feet or more away from any of the building's entrances.

Dated this 15th day of January, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

RESOLUTION OF RUSHMORE PLAZA CIVIC CENTER BOARD ADOPTING
A POLICY TO HANDLE REQUEST TO ACCOMMODATE PETITIONERS
WITH DISABILITIES

WHEREAS, petitioning is currently allowed on the grounds of the Rushmore Plaza Civic Center if it is done in a peaceful manner and a safe distance from the entrances and exits; and

WHEREAS, the Civic Center Board recognizes that certain petitioners may have a disability that may prevent them from complying with the Civic Center's current policy on petitioning; and

WHEREAS, while the Civic Center Board recognizes that it is under no duty to provide any accommodation for people that wish to petition on the property of the Civic Center, the Board believes that it is appropriate to adopt a policy which allows for the Civic Center Manager or his designee to deviate from the current policy on petitioning to make reasonable accommodations for people with disabilities which will allow them to petition on the Civic Center property.

NOW THEREFORE, the Rushmore Plaza Civic Center Board adopts the following policy to assist people with disabilities in petitioning on the Civic center's property;

1. If a person intends to petition on Civic Center property but cannot do so under the Civic Center's current policy due to a disability, they may request in writing that they be granted a

reasonable accommodation or modification from the requirements of the policy on petitioning which will allow them to petition. The person requesting a reasonable accommodation should specifically state in their written request what accommodation or modification in the policy they are seeking. The written request must be submitted to the Civic center Manager’s Office at least 10 days prior to the event that the person is requesting the accommodation or modification for.

2. With their written request the person requesting the accommodation or modification must also provide a letter from a medical doctor documenting that they have a disability and that based on their disability they cannot petition and still comply with the current policy.

3. The Civic center Manager or their designee will process any requests for accommodation. The Civic Center Manager or their designee will assure that the documentation on the disability has been provided and determine if the accommodation that the person is requesting is reasonable. The Manager or their designee will have the ability to offer an alternative accommodation if the accommodation requested is determined to be unreasonable or if there is an alternative accommodation that will require a lesser deviation from the current policy and still allow the person to petition.

Dated this 15th day of January, 2007.

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

ATTEST:
s/ James F. Preston
Finance Officer

(SEAL)

Alderman Hadcock suggested the resolution relating to petitioners with disabilities should be considered by the Mayor’s Disabilities Committee and the ADA Committee. Civic Center Manager Maliske responding to a question from Alderman Kroeger, indicated that the Resolution Clarifying the Rushmore Plaza Civic Center’s Policy on Petitioning on Civic Center Property outlines the fifteen foot requirement; and the other is a Resolution of the Rushmore Plaza Civic Center Board adopting a policy to handle requests to accommodate petitioners with disabilities. Upon a vote being taken on the substitute motion to approve the resolutions, motion carried.

Okrepkie moved, second by LaCroix and carried to open the public comment period for agenda items 44 – 71. Steven Brenden, Rapid City addressed items #44 (No. LF011007-06) indicating his concerns about the automatic approval if the City does not act within the thirteen day requirement; the appeal process for the developer and lack of appeal process for the citizen; and circumventing the platting process; #51 (No. LF011007-18) asking the Council to keep the current limit of 25,000; and #60 (No. LF011007-08) indicating that there should be a viable reason, other than monetary, to propose annexation. Tom Portel, 225 E. Watertown addressed item #56 (No. LF011007-26) indicating his opposition to exempting an area from the animal restraint requirements. He explained that he commutes through this area, on a bicycle and reported an encounter with a pit bull. He indicated the owner made no attempt to control the dog. He suggested that the motive is an attempt to reduce crime in this area; and also suggested that this is an inhumane scar tactic. He suggested this change increases the City’s

liability. He suggested areas be developed, that can be fenced, for dog and owner. He asked the Council to deny the ordinance change. Marvin Pickens, 333 St. Andrew addressed item #59 pointing out that there are a number of instances throughout the City where parking in the site triangle is an issue. He indicated that he is disabled and requested that he be allowed to park in the boulevard area. Conrad Rupert, 6075 Sheridan Lake Road addressed item #67 (No. PW010907-17) asking the City to rectify a situation created by the City; and that is to cleanup the dead trees in the right-of-way and public property on the low side of the road on South Wildwood Drive as it approaches Sheridan Lake Road. He indicated that it became apparent there was a problem with the lack of drainage control on this road. The roadway is steep and requires the application of de-icing salt during the winter months. Testing has determined that the content of the trees that have died to be approximately twice of what is consider a lethal dose of chlorides. Tony Marshall, 909 St. Joseph Street addressed item #69 (No. 06EX081) explaining that as part of the replatting process he is required to replace a fire hydrant, relocate the hydrant fifteen feet, and dedicate the used hydrant to the City for use as spare parts. He indicated that the existing hydrant is in good operating condition, is 2 – 3 years old, and suggested that it is logical that the hydrant will operate just as well in a different location. Okrepkie moved, second by LaCroix and carried to close the public comment period for agenda items 44 – 71.

NON-CONSENT ITEMS – Items 44 - 71

ORDINANCES

Ordinance No. 5232 (No. LF011007-06), Establishing a Process by Which Exceptions Can be Granted to the City's Lot Length to Width Requirements by Adding Section 16.24.015 to the Rapid City Municipal Code was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5232 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 5, 2007.

Ordinance No. 5235 (No. LF011007-12), Amending the Prohibited Locations for Appliances Under the International Fuel and Gas Code by Adding Section 15.22.075 to the Rapid City Municipal Code was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5235 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 5, 2007.

Ordinance No. 5236 (No. LF011007-13), Regulating the Required Clearance for the Maintenance of Appliances by Amending Section 15.26.260 of the Rapid City Municipal Code was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5236 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 5, 2007.

Ordinance No. 5237 (No. LF011007-14), Removing the Section of the International Fuel and Gas Code Prohibiting the Use of Unvented Room Heaters as the Sole Source of Comfort Heating in a Dwelling Unit by Adding Section 15.22.115 to the Rapid City Municipal Code was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5237 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 5, 2007.

Ordinance No. 5238 (No. LF011007-15), Regulating when Type I Hoods are Required for Cooking Appliances by Adding Section 15.26.345 to the Rapid City Municipal Code was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5238 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 5, 2007.

Ordinance No. 5239 (No. LF011007-16), Regulating the Location of Unvented Room Heaters by Adding Section 15.22.117 to the Rapid City Municipal Code was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5239 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 5, 2007.

Ordinance No. 5240 (No. LF011007-17), Removing the Section of the International Mechanical Code Regulating the Installation of Unvented Gas Log Heaters by Adding Section 15.26.535 to the Rapid City Municipal Code was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5240 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 5, 2007.

Ordinance No. 5241 (No. LF011007-18), Raising the Value of Construction for which Construction Documents are Required by Amending Section 15.26.080 of the Rapid City Municipal Code was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5241 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 5, 2007.

Ordinance No. 5242 (No. LF011007-19), Regulating the Location of Fuel-Fired Appliances by Adding Section 15.26.255 to the Rapid City Municipal Code was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5242 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 5, 2007.

Ordinance No. 5233 (No. 06OA007), Adding Adult Day Care Centers to the List of Conditional Uses Allowed in Medium Density Residential Zoning Districts by Amending Section 17.12.030 of the Rapid City Municipal Code was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5233 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 5, 2007.

Ordinance No. 5234 (No. 06OA008), Allowing Land That Has Been Dedicated for Highway or Roadway Purposes and is Unimproved to be Included in the Calculation of the Total Acreage of Land for Purposes of Transferring Land of Forty Acres or More Without Requiring Platting by Amendment Section 16.04.320 of the Rapid City Municipal Code was introduced. Okrepkie moved, second by LaCroix that Ordinance No. 5234 be placed upon its first reading. Substitute motion was made by Olson, second by Okrepkie and carried to continue First Reading of Ordinance No. 5234 to the February 5, 2007 Council meeting.

Ordinance No. 5243 (No. LF011007-22), Regarding Supplemental Appropriation No. 1 for 2007 was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5243 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 5, 2007.

Ordinance No. 5245 (No. LF011007-26), Adding the Greenway North of Rapid Creek and South of New York Street between East Blvd. and 5th Street as an Area Exempt from the Animal

Restraint Requirement by Amending Section 6.12.035 of the Rapid City Municipal Code was introduced. Okrepkie moved, second by LaCroix for discussion that Ordinance No. 5245 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 5, 2007. Finance Officer Preston reported that the Risk Manager, Black Hills Insurance Agency, and members of the Insurance Committee concur that there are no major concerns about designating the area as proposed. He indicated that a pet owner is responsible to maintain control of their animal. Responding to a request from Alderman Kooiker, City Attorney Green indicated that the notion of imposing additional restrictions on certain breeds of animals is a topic that has been discussed in the past; and it has proven very problematic to implement. Green agreed to research the ability of the Council to restrict certain breeds. Aldermen Olson and LaCroix indicated that there is interest from the residents of this area to see improvements and having this facility to walk their dogs. It is believed visitors to the area may also find this facility beneficial. It was reported the Police see the benefit of more people using the area. Upon a vote being taken on the motion to approve, motion carried.

Ordinance No. 5246 (No. 06RZ071), An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as requested by City of Rapid City for a **Rezone property from No Use District to General Agriculture District** on Lots H1, H2 and H3 located in the N1/2 of the NE1/4; and the unplatted balance of the N1/2 of the NE1/4; and the NE1/4 of the NW1/4, all located in Section 30, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of South Dakota Highway 79 and south of Catron Boulevard was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5246 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 5, 2007.

Ordinance No. 5231 (No. LF122706-17), Allowing the Rapid City Common Council to Issue Revenue Bonds to Support the Rapid City Economic Development and Civic Improvements Fund by Amending Subsection B” of Section 3.16.020 of the Rapid City Municipal Code having passed first reading on January 2, 2007, Okrepkie moved, second by LaCroix that the title be read the second time. Responding to a question from Alderman Kooiker, Preston estimated the bond revenue to be \$9,735,000, average coupon rate is 3.82 percent, and provides a construction amount of \$8,595,000. Alderman Kooiker suggested a mistake is being made by bonding further in 2012. He read aloud the language being removed from the existing ordinance, “however, no bonds shall be issued in an amount greater than can be expected to be repaid with 7 years anticipated revenue to the Rapid City Economic Development and Civic Improvements Fund.” Kooiker indicated that the City should have said that an \$18 Million facility would be built with as many amenities that could be built within the \$18 Million; and a list of alternates that could have been considered. Kooiker suggested that this has been financially irresponsible from the beginning; starting when ground was broken without having the bids back for Phase 2. Alderman Schumacher indicated that there is a need to have a broader discussion about the 2012 program; a more comprehensive plan that could involve a rolling 5-year plan; and a permanent 2012 Committee to accept and consider proposals. Preston reported that the City will open bids January 30th on phase two; and indicated concern on the timing of the ordinance and resolution, explaining that there is a twenty day publication period and a thirty day period to award a bid. Alderman Chapman indicated that the ordinance allows the Council greater flexibility to consider 2012 in a larger scope. The Council will have the ability to bond for shorter periods of time. Chapman also concurred that there is a need for a broader discussion about the 2012 program. He indicated he did not favor the percentage or the three divisions of the program. He indicated that he did not believe the 2012 funds should be allocated to the

repair of streets as repairs should be done under the normal function of City government. Alderman Hadcock questioned whether options were available to lower the project costs. She indicated that she did not favor the ordinance if the intent is to allocate the entire \$9 Million to the project. Responding to a question from Alderman Chapman, Preston indicated that the upcoming resolution allows the City to issue bonds up to \$10 Million; but it does not commit the City to issue bonds in that amount. He explained that upon publication of the resolution, it would be twenty days before the resolution becomes effective. Preston indicated that his concern is about bids being opened January 30th, and if no funding source is in place, a contract can not be awarded for the project. City Attorney Green explained that the ordinance will take twenty days from publication to become effective, and issuance of the bonds can not happen before the effective date of the ordinance. Upon a roll call vote, the following voted AYE: Olson, Kroeger, Chapman, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: Schumacher and Kooiker; whereupon the Mayor declared the motion passed and Ordinance No. 5231 was declared duly passed upon its second reading.

LEGAL & FINANCE COMMITTEE ITEMS

Okrepkie moved, second by LaCroix for discussion, to direct staff to enforce the no parking on the boulevard at 333 St. Andrew Street; and refrain from enforcing the no parking in the site triangle until staff brings forth a recommendation regarding site triangle parking throughout the City. Assistant City Attorney Landeen outlined several violations occurring at 333 St. Andrew -- vehicles being parked on-street at the curb, vehicles being parked in the boulevard area (area between the sidewalk and back of the curb), and vehicles blocking the site triangle. Landeen indicated that by the Municipal Code, parking in the boulevard area is prohibited. Responding to a complaint received by the City, Landeen explained that staff investigation determined that it appeared the site triangle was large, several hundred feet, and required that no vehicles park within site triangle. Landeen pointed out that parking in the boulevard area is a problem throughout the City. It was pointed out to staff by Marvin Pickens, 333 St. Andrew, that the area must be posted, otherwise other residents in the neighborhood will park in the location being deemed off-limits. Landeen indicated that the solution is to allow Mr. Pickens to continue to park his vehicle on-street in front of his home, until such time as staff recommendations are made to the City Council. The City will refrain from enforcing the site triangle violation until it is determined what the appropriate site triangle should be. Landeen reported that the Traffic Engineer believed the parking on the boulevard exacerbated the site triangle problem. Alderman Kooiker indicated that eliminating parking in the boulevard area and in the site triangle will leave Mr. Pickens without parking.

Substitute motion was made by Kooiker, second by Hurlbut to direct staff to not enforce the No Parking on the boulevard at 333 St. Andrew Street and refrain from enforcing the No Parking in the site triangle until staff brings forward a recommendation regarding site triangle parking throughout the City. Alderman Hadcock indicated that she had not experienced problems with the site triangle while attempting to exit from the alley at this location; and witnessed that Mr. Perkins has used this parking for the past twenty years. Okrepkie moved to call the question, second by LaCroix. Motion carried. Upon a vote being taken on the substitute motion, motion carried.

Okrepkie moved, second by Hadcock to (No. LF011007-08), request staff to meet with the property owners of the commercial-retail businesses along South Dakota Highway 44 to see if they would be willing to consider voluntary annexation; and bring a report back to the Legal and

Finance Committee. Alderman Kooiker believed there is a need to have a long-range plan and comprehensive discussion with Rapid Valley community members, Rapid Valley leaders, the Rapid Valley Sanitary District, and the Volunteer Fire Department. He believed the City has a responsibility to provide service to those that annexed into the City. Of particular concern to Alderman Kooiker were the rates for water and sewer. Kooiker asked the Council to defeat the motion. Mayor Shaw believed that at some time in the future, Rapid Valley will be a part of the City; and indicated that he did not favor involuntary annexation. Mayor Shaw explained that if the businesses along Hwy 44 are annexed, but residential areas are not annexed, it means the residents of that area who do business with those Rapid Valley businesses will pay two or three percent additional sales tax. The issue is more about the service. He explained that normally you pay City sales tax and receive a service, but the Rapid Valley residents would not receive a service because they have not been annexed into the City. Mayor Shaw pointed out that Rapid Valley is a community of 7,000 to 10,000 people that is not a part of any municipality, and rely upon Pennington County for their services. He also pointed out that Pennington County is geared toward rural services, and is attempting to provide services to one of the top ten cities in South Dakota. As part of the overall discussions, Mayor Shaw believed the Pennington County Commissioners or County representative should be included and asked whether or not the County intends to provide services. Alderman Hadcock indicated that she favored voluntary annexation, not to increase the tax base, but because City services can be extended to the annexed area. Responding to a question from Alderman Hadcock about rates, Green indicated that it is not within the authority of the City Council to use enterprise fund dollars to rebate a portion of certain customers' water bills; or use of enterprise funds to rebate portions of a water bill paid by non-customers. Alderman Okrepkie reminded the members that the motion is requesting staff to meet with the property owners along Hwy 44 to determine if there is interest in annexing to Rapid City. He indicated that he was not interested in annexing, unless it is voluntary; and indicated that he viewed annexation from an economic development standpoint. Alderman Kroeger indicated that he is interested in a comprehensive annexation plan, not only in Rapid Valley, but areas surrounding the City. Alderman Chapman indicated that he is interested in voluntary annexation, but the entire Rapid Valley area, not just along Hwy 44.

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

Growth Management Director Elkins reminded the members that the City has a comprehensive annexation policy that has been adopted by the Council.

Upon a roll call vote on the motion to approve, the following voted AYE: Okrepkie, Hurlbut, and Hadcock; NO: Kroeger, Kooiker, Chapman, LaCroix, Schumacher, and Olson. Motion failed.

Okrepkie moved, second by LaCroix to (No. LF011007-32), approve a Travel Request for Bill Okrepkie to attend National League of Cities Building Partnerships for a Stronger Community in Santa Monica, CA, from January 25-27, 2007, in an approximate amount of \$2,455. Alderman Kooiker pointed out that he has traveled on behalf of the City, and indicated that his most beneficial trips have been in-state. He indicated that he could not justify the cost of the lodging and was not convinced of the return on investment for the taxpayer. Alderman Schumacher also indicated his concern about the lodging costs. Upon a roll call vote on the motion to approve, the following voted AYE: Chapman, LaCroix, Okrepkie, Hurlbut, Hadcock, Olson, and Kroeger; NO: Kooiker and Schumacher. Motion carried.

The Mayor presented a Resolution Authorizing the Issuance of Sales Tax Revenue Bonds Payable from the Rapid City Economic Development and Civic Improvements Fund, Series 2007A of the City of Rapid City, South Dakota, Pledging a Portion of the Sales Tax Receipts of the City to the Payment of Said Bonds, Authorizing Officers of the City to Approve, Execute and Deliver Certain Agreements and Documents Relating to the Bonds; whereupon Okrepkie moved, second by Hadcock to continue. Preston indicated concern about the timing and pointed out that no bonds will be issued before February 5, 2007. He reminded the members that the Council looked at other alternatives and the consensus was to proceed with bonding. He encouraged Council approval. Alderman Kooiker suggested setting a special Council meeting to pass the resolution after the bid opening. Alderman Chapman supported continuation to a date to be determined in January.

Substitute motion was made by Chapman, second by Hadcock to continue a Resolution Authorizing the Issuance of Sales Tax Revenue Bonds Payable from the Rapid City Economic Development and Civic Improvements Fund, Series 2007A of the City of Rapid City, South Dakota, Pledging a Portion of the Sales Tax Receipts of the City to the Payment of Said Bonds, Authorizing Officers of the City to Approve, Execute and Deliver Certain Agreements and Documents Relating to the Bonds to a January 31, 2007 special Council meeting at 12:30 P.M. Motion carried upon a roll call, with the following voting AYE: Chapman, Hadcock, Schumacher, Olson, Kroeger, Kooiker; NO: LaCroix, Okrepkie and Hurlbut.

Okrepkie moved, second by LaCroix and carried to approve the following (No. LF011007-21) Resolution Establishing Encumbrances.

RESOLUTION ESTABLISHING ENCUMBRANCES

WHEREAS there are existing bills due and payable relating to Calendar Year 2006 operations of the City of Rapid City totaling \$2,483,900.52, and

WHEREAS it is desirable that these bills be charged to the 2006 appropriation;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Rapid City does hereby request that the Rapid City Finance Officer encumber appropriate balances of December 31, 2006, in the amount of \$2,483,900.52.

GENERAL FUND 0101	
0101 MAYOR & COUNCIL	2,182.05
0104 FINANCE	70,498.08
0105 GIS MAPPING	7,842.84
0106 ATTORNEY	2,131.49
0108 PUBLIC WORKS ADMINISTRATION	11,847.54
0109 GENERAL GOVERNMENT BUILDINGS	27,687.80
0111 HUMAN RESOURCES	3,239.07
0199 DISPATCH CENTER	61,808.41
0201 POLICE	101,250.36
0202 FIRE	80,498.01
0203 CORRECTIONS	1,666.66
0204 DEVELOPMENT SERVICE CENTER	23,490.17

0207 COMMUNITY PLANNING DIVISION	8,329.26	
0301 STREETS & HIGHWAYS	117,149.37	
0501 DETOXIFICATION CENTER	30,759.16	
0601 RECREATION	2,132.90	
0603 ICE ARENA	3,288.89	
0607 PARKS DEPARTMENT	15,529.53	
0609 LIBRARY	10,137.53	
0610 LIBRARY RURAL	1,064.35	
0612 SWIMMING POOL	5,508.63	
0618 PUBLIC TRANSPORTATION	13,491.88	
0620 PARK & RECREATION ADMINISTRATN	1,833.39	
0621 SUBSIDIES	2,374.47	
0705 GROWTH MANAGEMENT	10.98	
0706 TRANSPORTATION PLANNING	3,711.35	
0707 HISTORIC PRESERVATION	22.75	
0708 AIR QUALITY	636.88	
0711 CODE ENFORCEMENT	1,309.94	
0713 SIGN CODE ENFORCEMENT	445.83	
0714 ADVOCATES FOR COMM ENHANCEMENT	424.08	
9202 HAZARDOUS MATERIALS	-87.46	612,216.19
<hr/>		
2012 FUND 0107		
0123 VISITOR INFORMATION CTR (2012)	40,000.00	
0125 RECREATION ENHANCEMENTS	4,396.92	
0132 SPECIAL PROJECTS	104,480.70	
0136 CIVIC CENTER EXPANSION	15,842.00	164,719.62
<hr/>		
OCCUPANY TAX 0253		
0761 OCCUPANCY TAX		50,711.42
2006 CONSOLIDATED 0423		
0768 2006 CONSOLIDATED		3,429.41
TID 19 SPIEGEL 0482		
0791 TID 19 SPIEGEL		29,881.04
TID 40 GANDOLF (PRIVATE) 0493		
0802 TID 40 GANDOLF (PRIVATE)		4,994.79
AIRPORT CONSTRUCTION FUND 0501		
0903 AIRPORT CONSTRUCTION		864,380.22
CONSOLIDATED CONSTRUCTN FUND 0505		
0910 CONSOLIDATED CONSTRUCTION		173,572.35
WATER ENTERPRISE FUND 0602		
0810 WATER OPERATIONS	33,553.10	
0933 WATER RPLACEMENT & IMPROVEMNT	97,923.77	

0934 WATER EXPANSION PROJECTS	<u>15,585.07</u>	147,061.94
WASTEWATER ENTERPRISE FUND 0604		
0830 WASTEWATER OPERATIONS	67,871.14	
0833 WASTEWATER REPLCEMT & IMPRVMNT	74,504.25	
0834 WASTEWATER EXPANSION PROJECTS	<u>16,062.70</u>	158,438.09
AIRPORT ENTERPRISE FUND 0606		
0850 AIRPORT OPERATIONS		16,457.40
CEMETERY ENTERPRISE FUND 0607		
0860 CEMETERY		1,352.59
TRANSPORTATION CENTER FUND 0608		
0840 TRANSPORTATION TERMINAL		243.95
PARKING LOT & AREA FUND 0610		
0870 PARKING LOT & AREA		1,400.33
SOLID WASTE ENTERPRISE FUND 0612		
7101 WASTE COLLECTION		10,559.44
GOLF ENTERPRISE FUND 0613		
0604 GOLF ENTERPRISE		2,613.49
EXECUTIVE GOLF COURSE FUND 0614		
0605 EXECUTIVE GOLF OPERATIONS	512.54	
0606 LACROIX LINKS GOLF COURSE	<u>57.09</u>	569.63
SOLID WASTE DISPOSAL FUND 0615		
7102 WASTE DISPOSAL		16,388.96
SOLID WASTE/MRF COMPOST FUND 0616		
7103 SOLID WASTE MRF/COMPOST FUND		38,102.46
AMBULANCE ENTERPRISE 0618		
0890 AMBULANCE ENTERPRISE		18,494.79
PAYROLL WITHHOLDING FUND 0702		
0922 PAYROLL WITHHOLDING		74,378.18
EDUCATIONAL LOAN FUND 0718		
1002 EDUCATIONAL LOAN		1,644.20
CIVIC CENTER ENTERPRISE FUND 0775		
0911 CIVIC CENTER CONCESSION	1,490.50	
0913 CIVIC CENTER OPERATIONS	11,189.02	
0917 CIVIC CENTER TICKET OFFICE	<u>889.50</u>	13,569.02

ENERGY PLANT REVOLVING FUND 0777 0914 ENERGY PLANT	6,757.66
PASSENGER FACILITY CHARGE #2 0782 0939 PASSENGER FACILITY CHARGE #2	30,321.07
GROUP INSURANCE FUND 0789 0963 GROUP INSURANCE	40,831.08
DENTAL INSURANCE FUND 0790 0964 DENTAL INSURANCE	811.20
*** GRAND TOTAL ***	2,483,900.52

AND BE IT FURTHER RESOLVED that this Resolution is necessary for the immediate preservation of the public peace, health, safety and support of the municipal government and its existing public institutions, and shall take effect upon the passage and publication thereof.

Dated this 15th day of January, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

Okrepkie moved, second by LaCroix to (No. LF011007-27A), authorize the Mayor and Finance Officer to sign Amendment to the Revised Contract for Private Development Tax Increment District Number Thirty Six between DTH, LLC and the City of Rapid City, South Dakota. Assistant City Attorney Landeen reported that the agreement is revised to include the completion date of July 1, 2007 for the construction of Champion Drive. He also reported that 115 feet of Kathryn Drive is not constructed and has been made a part of the revised agreement. Landeen indicated that seeding for all areas, along with the punch list items for Kathryn Drive, will be completed by July 1st. He explained that the developer will not receive any disbursements for Kathryn Drive until the punch list items have been completed. Motion carried.

PUBLIC WORKS COMMITTEE ITEMS

Olson moved, second by Schumacher to (No. PW010907-16), authorize a time extension of 14 days to the design contract with enVision Design for the Dahl Expansion Project. Preston reminded the members that the Dahl expansion does include \$50,000 annually in additional operating expenses. Alderman Kooiker requested Finance Officer Preston to bring forward the same information regarding the additional costs of operating the Civic Center upon its completion. Public Works Director Jablonski outlined the current status of the Dahl expansion and project costs. Alderman Hadcock indicated her concern with the proposed contingency. Alderman Kooiker requested, in writing, from the Dahl their subsidy request. Upon a vote being taken on the motion to approve, motion carried.

(Information Only) Alderman Hadcock indicated that the holiday lights will be taken down at the end of the month, and the star atop the water tower will be turned off but left in place. Hadcock extended her appreciation to those who had a hand in installing the star and holiday lights; and to those who had donated toward the purchase the holiday decorations.

Olson moved, second by Kooiker to approve No. PW010907-17, the removal of dead trees on Sheridan Lake Road. Alderman Okrepkie indicated that this problem exists on more than just one site; and pointed out the entire hillside, starting from Carriage Hills. Okrepkie asked for \$2,000 from Council Contingency to pay labor costs for inmates to remove the trees. Okrepkie indicated that the death of the trees may be attributed to the treatment used on the roadways during the winter months. City Attorney Green advised that approval be contingent upon any property owner, who is going to have the work done, first sign a release of liability or waiver drafted by the City Attorney's Office. Parks & Recreation Director Cole asked for a scope of work for the project, if the Parks Division is expected to be involved. Cole pointed out that there are 125 trees along the road; and indicated that it will take the Parks Division approximately four men and equipment an estimated three weeks to clear the wood and brush that the inmates will cut, de-limb, and stack. Cole also pointed out that there is the issue of the roadway, and indicated that he would require signage and/or individuals to flag traffic. Green cautioned the Council about leaving the wood in the clear zone, next to the public right-of-way, for interested persons to pick up.

Substitute motion was made by Kooiker, second by Schumacher to refer No. PW010907-17, the removal of dead trees on Sheridan Lake Road to the January 30, 2007 Public Works Committee meeting, and asked that the Parks & Recreation Department bring forward a scope of work, that may include the option of contacting loggers to see if there is interest in removing the dead trees. Alderman Kroeger indicated his concern about the costs and potential for other requests to be made of the City to remove trees. Upon a vote being taken, substitute motion carried.

Olson moved, second by Kroeger to (No. PW010907-05), approve Change Order No. 1 for Prairie Fire Sewer Main - Southside Drive Sanitary Sewer Trunk Line; Project No. SS06-1594 / CIP No. 50659 to Site Works Specialists, Inc. for an increase of \$12,381.77. Alderman Kooiker indicated concern over the Contractor's downtime to relocate a power line; the cost to lower a power line to accommodate the sewer line; and relocating a storm sewer installed by a developer after the Southside trunk line was designed. He indicated that he was not convinced that these items were worthy of a change order. He believed it is the responsibility of the Contractor to account for the location of power lines and a storm sewer. Public Works Director Jablonski explained that the storm sewer is a culvert installed by a developer after the bids were let and construction started. He explained that when a utility is found in the public right-of-way, within the Corporate City Limits, the utility has the responsibility to remove and relocate the utility. However, in this case, the utility is outside the Corporate Limits and the City has the responsibility to pay for the relocation.

Substitute motion was made by Kooiker, second by Schumacher and carried to continue Change Order No. 1 for Prairie Fire Sewer Main - Southside Drive Sanitary Sewer Trunk Line; Project No. SS06-1594 to the February 5, 2007 Council meeting.

Olson moved, second by Hurlbut for discussion to deny No. 06EX081, a request by Tony Marshall with Park Hill Development, Inc. to consider an **Exception to Allow** an Existing Fire

Hydrant to be in Lieu of Installing a New Hydrant on Lots 16A & 16B of Block 2, Park Meadows Subdivision, located in the SE1/4 NE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. (File #06PL098). Development Services Coordinator Dominicak explained that the City's policy is not to allow salvaged material for new construction; especially fire hydrants, because they are connected to the City's potable water system. Dominicak suggested that fire hydrants can be damaged during the salvage operations; and while new fire hydrants can have defects, the manufacture will replace the fire hydrant at no cost to the City. He indicated that if a salvaged fire hydrant is used and it is damaged and the defect is found during the testing, the City will be responsible for the replacement of the hydrant. He pointed out that there is no warranty on a used fire hydrant. Dominicak indicated that there have been a number of other requests, but staff has denied the request based on the policy. Jablonski indicated that as Public Works Director, he is responsible for the water supply system; and as a professional, does all he can, within reason, to provide safe water for the customers without compromise. He indicated that in his opinion, using salvaged material is a compromise that is not acceptable. In response to a question from Alderman Kooiker, Tony Marshall indicated that the fire hydrant is two to three years old, and agreed to the stipulation that the City test the hydrant.

Substitute motion was made by Kooiker, second by Schumacher to approve No. 06EX081, a request by Tony Marshall with Park Hill Development, Inc. to consider an **Exception to Allow** an Existing Fire Hydrant to be in Lieu of Installing a New Hydrant on Lots 16A & 16B of Block 2, Park Meadows Subdivision, located in the SE1/4 NE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. (File# 06PL098), with the stipulation that after installation, the hydrant is tested by Public Works and the Fire Department and the results reviewed and on that basis the hydrant would stay or go. Dominicak indicated that the hydrant would have been tested, as is the standard practice of the City. Alderman Hurlbut indicated that he did not deem the hydrant to be salvaged material because of the age of hydrant, and believed it a reasonable exception. Alderman Olson indicated concern about who will be responsible for the hydrant in the future, and offered support for the professional opinions of staff. City Attorney Green pointed out that the rationale for using new equipment on the water system is not limited to function; it is also a consideration of possible contamination of the water system. He advised the Council to adhere to the policy as implemented. Alderman Chapman indicated concern about setting a precedent and suggested appeals to the Council could be numerous on this type of request. He indicated an unwillingness to change the policy. Alderman Kroeger suggested that testing of the hydrant will determine whether it will function appropriately. Alderman Hadcock questioned the City's replacement program of aging hydrants. Jablonski pointed out that just because a hydrant functions for fire fighting purposes does not mean that it has the sanitation integrity for the City's water system. He indicated that there is a chance of causing a vacuum in the pipe when fighting a fire and it can draw ground water into the system. He indicated that he was not concerned with the structural integrity of the steel tube of the pipe, but concerned about the gaskets and the coating of the hydrant. He stressed that it is not good policy to use salvaged material on a public potable water system. He offered to supply the new hydrant rather than salvaging an old hydrant. Alderman Hadcock indicated that she could not see the danger or safety factor on a hydrant that is two or three years old. Alderman Kooiker clarified that the intent of the motion is to make certain that the hydrant is tested for public safety purposes before it is released for use. He added that there are hydrants throughout the City that are old and may need to be upgraded under this standard. He indicated that he was not convinced that there is a broad public safety issue.

Kooiker moved to call the question, second by LaCroix. Motion carried. Upon a roll call vote on the substitute motion to approve, motion carried with the following voting AYE: Okrepkie, Hurlbut, Hadcock, Chapman, Kroeger, and Kooiker; NO: LaCroix, Olson, and Chapman.

BIDS

The following companies submitted bids for No. CC011507-02, Rapid City Fire Department Burn Building Project No. FD07-1634 opened January 9, 2007: Nielsen Building Systems, Inc., Jahnke & Sons Construction DBA WHP Trainingtowers, Peterson Murphy DBA J P Construction, and MAC Construction. Staff reviewed the bids and recommends the bid award be referred to the January 30, 2007 Public Works Committee meeting. Chapman moved, second by Hadcock to approve. Fire Chief Shepherd recommended the bids submitted by MAC Construction Company, Inc.; Nielsen Building Systems, Inc.; and Peterson Murphy, Inc. d/b/a J P Construction be rejected; the bid submitted by Jahnke & Sons Construction, Inc. d/b/a WHP Trainingtowers be accepted; but the bid award recommendation be continued to the January 30, 2007 Public Works Meeting. Shepherd indicated the delay in the bid award will permit staff to receive and open bids on a foundation project. Substitute motion was made by Okrepkie, second by Chapman and carried to recommended the bids submitted by MAC Construction Company, Inc.; Nielsen Building Systems, Inc.; and Peterson Murphy, Inc. d/b/a J P Construction be rejected; the bid submitted by Jahnke & Sons Construction, Inc. d/b/a WHP Trainingtowers be accepted; and the bid award recommendation be continued to the January 30, 2007 Public Works Meeting

Hadcock moved, second by Chapman to acknowledge that no bids were received for No. CC011507-02, Transit Passenger Bus Benches and Bench Advertising. Jablonski explained that since no bids were received, the City Attorney advises that it is permissible for staff to enter into negotiations on the bus benches, if that is the direction of the Council. Mayor Shaw suggested a task force of three to four Council members, the Public Works Director and/or the Transit Manager to discuss the matter. Upon a vote on the motion, motion carried.

Olson moved, second by Okrepkie to request the Mayor's Office to form a small task force to discuss the transit passenger bus benches and bench advertising. Motion carried.

STAFF ITEMS

Okrepkie moved, second by Hadcock to Authorize the Mayor and Finance Officer to sign a second Amendment to an Agreement with Harley F. Taylor to share in sanitary sewer main construction costs. Jablonski explained that the current agreement pays up to \$57,900 for rock excavation and Harley Taylor is requesting a "lump sum" amount rather than a "not to exceed" amount. Motion carried.

Jablonski explained that Centerline for Cornerstone Transitional Housing is reporting that their request for an easement from the Black Hills Workshop is denied. Lawrence Kostaneski, Centerline asked that Option B, authorizing the installation of a sanitary sewer under the proposed Cornerstone Transitional Housing building be approved based on the denial for an easement; whereupon Hadcock moved, second by Schumacher to approve Option B. Motion carried.

COUNCIL ITEMS & LIAISON REPORTS

Alderman Chapman acknowledged Dr. Martin Luther King's 78th Birthday. Chapman remarked that President Bush acknowledged Mrs. King's desire to have Martin Luther King Day be of service, not a day off. He read into the record a 2006 Proclamation by the President.

Dr. Martin Luther King, Jr., was a visionary American and a dedicated leader who believed deeply in liberty and dignity for every person. His faith and courage continue to inspire America and the world. And on this day we honor his life and his work.

Growing up in Atlanta, Georgia, Dr. King witnessed firsthand the injustice of a segregated society. He realized that change was necessary to ensure the full promise of our Constitution for all Americans, and his charismatic leadership awakened the conscience of America.

Our Nation has accomplished much over the last 40 years. Our journey toward justice and equality is not always been an easy one, and it is not over. However long the journey our destination is set -- liberty and justice for all. Dr. Martin Luther King, Jr., believed in the good that exists in all men and women. And today we will remember the work of Dr. King as we continue striving to meet the founding ideals of our great Nation.

In response to a request from Alderman Kooiker, Jablonski announced that Wednesday at six o'clock a tour will be conducted of the water treatment facility and at seven o'clock there will be an open forum with the consultant, project manager and staff will be available to address the audience and entertain questions. He indicated that Jackson Springs is at the forefront.

PUBLIC HEARING ITEMS -- *Items 72 – 98*

Chapman moved, second by Schumacher and carried to open the public hearing for comments. Mike Lemay, 914 Fairview Street addressed item #88 indicating he is available for questions. Lori O'Neill, 920 Fairview Street addressed item #88 indicating she received most of the information requested, but was concerned about a letter received from staff that indicated Council would not consider further reimbursement.

CONTINUED PUBLIC HEARINGS CONSENT ITEMS – *Items 72 - 87*

Chapman moved, second by Schumacher and carried to continue the items as indicated.

Continue the following items until February 5, 2007:

72. 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.
73. No. 06CA028 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to amend the Major Street Plan to change an arterial street to a collector street, to eliminate a collector street and to relocate a collector street** on Parcel 1 thru 15 and detention ponds, Rushmore Crossing, Sections, 29, 30, 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as

DESCRIPTION No. 1: Lot BR of Lot 2 of the SE1/4 SW1/4, Section 29 in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 15, Page 103; DESCRIPTION No. 2: Lot C of Lot 2 of the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 15, Page 103; DESCRIPTION No. 3: Tract C of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 11, Page 68; DESCRIPTION No. 4: that portion of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, lying South of Lot H3 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 109 and lying South of Lot H1 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 113 and lying South of Lot H2 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 292 and lying South of Lot H4 of said SW1/4 as shown on the plat filed in Highway Plat Book 10, Page 150 (Interstate 90 right-of-way) and lying North of the Railroad right-of-way; excepting therefrom Lot A of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 10, Page 122; AND excepting therefrom Tract C of said SW1/4, as shown on the plat filed in Plat Book 11, Page 68; and excepting therefrom Lot 1R, Lot BR of Lot 2 and Lot C of Lot 2 of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 15, Page 103; and excepting therefrom the W1/2 SW1/4 SW1/4 SW1/4 lying North of said Tract C; DESCRIPTION No. 5: that portion of the N1/2 SE1/4 lying South of Lots H1 and H2 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 3, Page 288 and lying South of Lot H3 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 148 (Interstate 90 right-of-way) and the N1/2 NE1/4 SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom Lot D of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 70; and excepting therefrom Lots E and M of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 71; and excepting therefrom Lots C and L of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 8; Page 132; and excepting therefrom Tract 1 of Flack - Hendricksen Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 16, Page 205; and excepting therefrom Lots 1 and 2 in Block 2 of Rapps Addition of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 23, Page 166; and excepting therefrom Lots 1 and 2 of Bedco Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 26, Page 61; and excepting therefrom any dedicated streets, avenues or alleys lying within said plats; and excepting therefrom the Lot H1 of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; and excepting therefrom that portion of the SE1/4 NW1/4 SE1/4 and that portion of the SW1/4 NE1/4 SE1/4 lying south of said Lot H1 of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; DESCRIPTION No. 6: Lot 1R, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 7: Lot 1 of the SW1/4 SE1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 8: Lot A of lot 2, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 9: A portion of the unplatted portion of the SE1/4 NW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 10: the unplatted portion of the SW1/4 NE1/4 SE1/4, Section 30, lying south of Lot H1, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 11: the unplatted portion of the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 12: the unplatted portion of the SE1/4 SE1/4 and excepting therefrom the N1/2 NE1/4, SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 13: the W1/2 SW1/4, SW1/4 SW1/4, Section 29, lying north of Tract C, T2N, R8E,

BHM, Pennington County, South Dakota and, DESCRIPTION No. 14: the Farnwood Avenue Right of Way, located in the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota, located south of I-90 between North LaCrosse Street and East North Street.

74. No. 06PL103 - A request by CETEC Engineering, Inc. for Park Hill Development, Inc. for a **Preliminary Plat** on Lots 18 thru 35, Block 2; Lots 14 thru 25, Block 5; and the dedicated public right-of-way, Park Meadows Subdivision, located in the SW1/4 NE1/4, SE1/4 NE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 NE1/4, SE1/4 NE1/4, less the Right-of-Way, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Smith Avenue.
75. No. 06PL169 - A request by Boschee Engineering for Dr. Don Oliver for a **Preliminary Plat** on Lots 1 thru 3, Block 1, Oliver Subdivision, located in the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Wilderness Canyon Road and 47th Avenue West.
76. No. 06PL178 - A request by Boschee Engineering for OTS, Inc. for a **Preliminary Plat** on Lots 1 thru 8 of Block 1, lots 1 thru 8 of Block 2, Lots 1 thru 17 of Block 3, and lots 1 thru 9 of Block 4, located in the SW1/4 SW1/4, W1/2 SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SW1/4 SW1/4 W1/2 SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southern terminus of Bendt Drive.
77. No. 06PL183 - A request by Sperlich Consulting, Inc. for Jeffrey L. Devine for a **Preliminary Plat** on a portion of Tract B of the SW1/4 SW1/4, less Lot H-1 of Tract B, located in the SW1/4 S1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 262 North Cambell Street.
78. No. 06RZ068 – Second Reading, Ordinance No. 5228, An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Medium Density Residential District** on a 33 foot wide strip of land adjacent to the easterly boundary of the NE1/4 of the SE1/4 of the NE1/4, all located in Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Country Road West.
79. No. 06RZ069 – Second Reading, Ordinance No. 5229, An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on a 33 foot wide strip of land adjacent to the easterly boundary of the SE1/4 of the SE1/4 of the NE1/4; and a 33 foot wide strip of land adjacent to the easterly boundary of the NE1/4 of the SE1/4, all located in Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Country Road West.

80. No. 06RZ070 – Second Reading, Ordinance No. 5230, An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Medium Density Residential District** on 33 foot wide strip of land adjacent to the easterly boundary of the N1/2 of the SE1/4 of the SE1/4, all located in Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Country Road West.
81. 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.
82. No. 06SV066 - A request by Boschee Engineering for Dr. Don Oliver for a **Variance to the Subdivision Regulations to waive the Requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement; and to allow 10 foot wide dirt road to serve as access to Lot 1 and to allow Wilderness Canyon Road to remain a 24 foot paved street with water as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 3, Block 1, Oliver Subdivision, located in the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Wilderness Canyon Road and 47th Avenue West.
83. No. 06SV069 - A request by Fisk Land Surveying for Judy Lien for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks, curb, gutter, street light conduit, sewer and water main along Mall Drive and N. Maple Avenue and to reduce the pavement width from 40 feet to 26 feet along Mall Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2, 3 and 4 of LJS Subdivision, formerly a portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at Maple Avenue and Mall Drive.
84. No. 06VR009 - A request by Dream Design International, Inc. for a **Vacation of Right-of-Way** on Lot 2, O'Meara Addition and Lot B of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to Tower Road at the intersection of Skyline Ranch Road and Tower Road.

Continue the following items until February 19, 2007:

85. 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 southwest curve of North Airport Road.
86. No. 06PL176 - A request by Renner & Associates for Rob Livingston for a **Preliminary Plat** on Lots 1 thru 15 of Block 1 of Blake Estates Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Tract A of Government Lot 1 and Tract A of Government Lot 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, located northwest of the intersection of Blake Road and West Highway 44.
87. No. 06SV075 - A request by Renner & Associates for Rob Livingston for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highway and to waive the requirement to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 15 of Block 1 of Blake Estates Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Tract A of Government Lot 1 and Tract A of Government Lot 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, located north of the intersection of West Highway 44 and Blake Road.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Chapman moved, second by Schumacher and carried to close the public hearing.

PUBLIC HEARING CONSENT ITEMS – Item 88

ASSESSMENT ROLLS

The Mayor presented No. PW103106-22, a Resolution Levying Assessment for Fairview Street Sewer Extension Project No. SS06-1556 (9th Street to West Boulevard, Clark Street to Fairview Street). Hurlbut moved, second by Okrepkie for discussion, to waive the assessment and undertake the cost associated with the project. Alderman Hurlbut indicated that this is effectively a public line, but built privately fifty years ago, serves multiple properties, and has reached its useful life. Jablonski indicated that the City has assumed some of the costs for the new sewer, and includes the engineering. Preston indicated his objection to having the rate payers pay the project costs because every rate payers paid for their own sewer line. Alderman Chapman indicated his concern of waiving the entire assessment. Alderman Hurlbut suggested the City should take a greater portion than forty percent responsibility for what is essentially a public line. Jablonski indicated that it must be understood that lines put in privately allows the developer or installer to deviate from the standards. Responding to a question from Alderman Hurlbut, Jablonski indicated that a sewer main should last 75 to 80 years; and the standard can range from the quality of the pipe, backfill and amount of backfill, bedding, and compaction. Jablonski reported that the City is assuming fifty percent of the total costs of the project.

Substitute motion was made by Olson, second by Kroeger to approve the Resolution Levying Assessment for Fairview Street Sewer Extension Project No. SS06-1556 (9th Street to West

Boulevard, Clark Street to Fairview Street). Upon a roll call vote, the substitute motion failed with the following voting AYE: LaCroix, Hadcock, Olson, and Kroeger; NO: Okrepkie, Hurlbut, Schumacher, Kooiker, and Chapman.

Substitute motion was made by Chapman, second by Olson to continue the Resolution to the February 5, 2007 Council meeting. Motion carried with Kooiker voting NO.

PUBLIC HEARING NON-CONSENT ITEMS – Items 89 – 98

The Mayor presented No. 06CA052, a request by City of Rapid City for an **Amendment to the Comprehensive Plan by revising the Long Range Comprehensive Plan to change the land use designation from General Agriculture to Residential** on a 33 foot wide strip of land adjacent to the easterly boundary of the N1/2 of the SE1/4 of the SE1/4, and a 33 foot wide strip of land adjacent to the easterly boundary of the NE1/4 of the SE1/4 of the NE1/4, and a 33 foot wide strip of land adjacent to the easterly boundary of the SE1/4 of the SE1/4 of the NE1/4; and a 33 foot wide strip of land adjacent to the easterly boundary of the NE1/4 of the SE1/4, all located in Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Country Road West. The following resolution was introduced, read, and Okrepkie moved its adoption.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 15th day of January, 2007, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would revise the Long Range Comprehensive Plan to change the land use designation from General Agriculture to Residential on a 33 foot wide strip of land adjacent to the easterly boundary of the N1/2 of the SE1/4 of the SE1/4, and a 33 foot wide strip of land adjacent to the easterly boundary of the NE1/4 of the SE1/4 of the NE1/4, and a 33 foot wide strip of land adjacent to the easterly boundary of the SE1/4 of the SE1/4 of the NE1/4; and a 33 foot wide strip of land adjacent to the easterly boundary of the NE1/4 of the SE1/4, all located in Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Long Range Comprehensive Plan be revised to change the land use designation from General Agriculture to Residential on a 33 foot wide strip of land adjacent to the easterly boundary of the N1/2 of the SE1/4 of the SE1/4, and a 33 foot wide strip of land adjacent to the easterly boundary of the NE1/4 of the SE1/4 of the NE1/4, and a 33 foot wide strip of land adjacent to the easterly boundary of the SE1/4 of the SE1/4 of the NE1/4; and a 33 foot wide strip of land adjacent to the easterly boundary of the NE1/4 of the SE1/4, all located in Section 14, T2N, R7E, BHM, Rapid

City, Pennington County, South Dakota as attached to the original hereof and that such amendment be filed with the City Finance Office

Dated this 15th day of January, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

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

Okrepkie moved, second by LaCroix 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, sewer and pavement along North Star Road as it abuts Lots 24 and 25 of Block 3 of Moon Meadows Estates, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, located at the southern terminus of North Star Road. (06SV074)

The Mayor presented No. 06SV074, a request by Renner & Associates for John Duffield for a **Variance to the Subdivision Regulations to waive the requirement to install sewer, water, curb, gutter, pavement, street light conduit and sidewalks as per Chapter 16 of the Rapid City Municipal Code** on Lots 24R and 25R of Block 3 of Moon Meadows Estates, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lots 24 and 25 of Block 3 of Moon Meadows Estates, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, located at the southern terminus of North Star Road. Okrepkie moved, second by LaCroix and carried to approve the Variance.

Olson moved, second by Kroeger and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of pavement along Jake Road as it abuts Lots 1 and 2 of Tract L of Gray's Subdivision, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 5141 and 5160 Jake Road. (06SV076)

The Mayor presented No. 06SV076, a request by Joel Brannan for a **Variance to the Subdivision Regulations to waive the requirement to pave Jake Road to City Street Design Standards as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Tract L of Gray's Subdivision, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 5141 and 5160 Jake Road. Olson moved, second by LaCroix and carried that the Variance to the Subdivision Regulations to waive the requirement to pave Jake Road to City Street Design Standards as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation: 1. That the portion of the section line highway be subject to a Waiver of Right to Protest any future assessments.

The Mayor presented No. 06VR010, a request by Centerline, Inc for PLM Development, LLC for a **Vacation of Section Line Highway** on the section line right-of-way lying between SE1/4 NE1/4, and Lot 15 of Enchanted Hills Subdivision No. 3 of Section 23, T1N, R7E, and SW1/4

NW1/4 of Section 24, T1N, R7E, located at 730 Enchantment Road. The following resolution was introduced, read, and Olson moved its adoption.

RESOLUTION OF VACATION
OF PUBLIC RIGHT-OF-WAY

WHEREAS it appears that the Section Line right-of-way lying between the SE1/4 of the NE1/4, and Lot 15 of Enchanted Hills Subdivision No. 3 of Section 23, T1N, R7E, and the SW1/4 of the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 730 Enchantment Road; is not needed for public purposes; and

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

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

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

Dated this 15th day of January, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

The motion for the adoption of the foregoing resolution was second by LaCroix with the following stipulations: 1. Prior to City Council approval, documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation request; 2. Prior to City Council approval, a minimum 30 foot wide public utility easement to accommodate the future looping of the City's water main shall be recorded at the Register of Deed's Office; and, 3. Prior to City Council approval, the Exhibit "A" shall be revised to read "Lot 15 of Enchanted Hills #3 Subdivision" in lieu of "Lot 15 of Enchanted Hills Subdivision #3".. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon said resolution was declared duly passed and adopted.

The Mayor presented No. 06RZ048, second reading of Ordinance No. 5224, An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to General Commercial District** on all of the dedicated right-of-way adjacent to the westerly boundary of Lot A-revised, formerly Lot A of Plat 1, located in the NW1/4 of the SW1/4, lying south of the Railroad Right-of-way, located in the NW1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of the intersection of East Highway 44 and Jolly Lane. Notice of hearing was published in the Rapid City Journal on

December 23, 2006 and December 30, 2006. Ordinance No. 5224 having had the first reading on December 18, 2007; Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5224 the second time.

The Mayor presented No. 06RZ052, second reading of Ordinance No. 5225, An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on all of the eastern most 33 feet of section line right-of-way lying south of the Railroad Right-of-Way located in the SE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, also known as Jolly Lane; and all of the dedicated right-of-way adjacent to Lots 1 thru 9 of Lot A of the E1/2 of the SE1/4, also known as Martin Lane, located in Section 9; and all of the western most 33 feet of section line right-of-way located in the SW1/4 of Section 10, lying south of the Railroad right-of-way directly east of Lots 1 thru 9 of Lot A of the E1/2 of the SE1/4, located in Section 9, and all of the dedicated right-of-way adjacent to Lots 1 thru 9 of Helmens Subdivision, also known as Toni Lane, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and all of the section line right-of-way adjacent to Lots 1 thru 9 of Helmens Subdivision located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Jolly Lane and East Highway 44. Notice of hearing was published in the Rapid City Journal on December 23, 2006 and December 30, 2006. Ordinance No. 5225 having had the first reading on December 18, 2007; Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5225 the second time.

The Mayor presented No. 06RZ063, second reading of Ordinance No. 5226, An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Low Density Residential II District** on all of the western most 33 feet of the section line right-of-way beginning at the northwest corner of Section 15, T1N, R8E, extending south approximately 1,039.08 feet in the NW1/4 of the NW1/4 of Section 15, T1N, R8E, BHM; and the section line right-of-way adjacent to Lots 1 and 2 of Lot D of the E1/2 of the SE1/4 of Section 9, T1N, R8E, BHM; and the section line right-of-way beginning at the southwest corner of Section 10, thence northerly 833.30 feet in Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the right-of-way south of East Highway 44 and Jolly Lane. Notice of hearing was published in the Rapid City Journal on December 23, 2006 and December 30, 2006. Ordinance No. 5226 having had the first reading on December 18, 2007; Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5226 the second time.

The Mayor presented No. 06RZ064, second reading of Ordinance No. 5227, An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Medium Density Residential District** on all of the western most 33 feet of section line right-of-way extending south beginning 1,039.08 feet of the northwest corner of Section 15 extending

190.92 feet more or less south from that point, all located in the NW1/4 of the NW1/4 of Section 15, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at Jolly Lane. Notice of hearing was published in the Rapid City Journal on December 23, 2006 and December 30, 2006. Ordinance No. 5227 having had the first reading on December 18, 2007; Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5227 the second time.

BILLS

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

Payroll Paid Ending 01-06-07, Paid 01-12-07	722,817.93
Payroll Paid Ending -06-07, Paid 01-12-07	3,469.60
Pioneer Bank, Taxes Paid 01-12-07	177,388.12
Pioneer Bank, Taxes Paid 01-12-07	236.76
South Dakota Retirement System, December retirement	409,904.36
South Dakota Retirement System, December retirement	616.59
1 st National Bank in Sioux Falls, SRF Loan payment	388,219.18
First Administrators, claims paid 01-02-07	49,923.80
First Administrators, claims paid 01-09-07	106,550.60
Berkley Risk Administrators, claim payment	34,411.64
Black Hills Electric Cooperative, electricity	465.98
Black Hills Power & Light, electricity	18,007.06
Montana Dakota Utilities, gas	6,690.39
West River Electric Association, electricity	21,730.18
United States Postmaster, postage	1,800.00
Computer Bill List	<u>2,981,232.75</u>
Subtotal	\$4,923,464.94
Payroll Paid Ending 01-06-07, Paid 01-12-07	2,664.54
Pioneer Bank, Taxes Paid 01-12-07	189.03
South Dakota Retirement System, December retirement	448.13
Charles Braunersrither, Volunteer stipend	150.00
City of Rapid City, postage	2.88
City of Rapid City, desk jet cartridge	21.76
City of Rapid City, health insurance	1,033.50
Conoco Phillips, gasoline	46.28
Dakota Business Center, copier usage	3.35
K-Mart, gift wrap supplies	48.64
Prairie Wave Communications, telephone	28.38
Standard Life, life insurance	<u>7.00</u>
Subtotal	\$4,928,108.43
Mainline Contracting, Inc., CO 2F, Project W06-1425	4,174.18
The Colorado Chapter International Code Council, registration	<u>780.00</u>

Total

\$4,933,062.61

LaCroix moved, second by Okrepkie and carried to authorize the Mayor and Finance Officer to sign an Amendment to Assignment Agreement for Private Development Tax Increment District Number Fifty Six between Bankwest and Midland Rushmore, LLC.

EXECUTIVE SESSION

Okrepkie moved, second by LaCroix and carried to go into Executive Session at 11:45 P.M. for the purpose of discussing potential litigation, contractual and personnel matters. The Council came out of Executive Session at 12:45 A.M. with all members present. No action was taken.

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 12:45 A.M.

CITY OF RAPID CITY

ATTEST:

Finance Office

Mayor

(SEAL)