

6. That it will save harmless the Board from any claim or damage made against it for consequential damage arising from and out of the construction of such work undertaken by it whether the claim arises from and out of changing the grade of streets, causing loss or inconvenience to the property or business of surrounding property owners, or from any cause or causes whatsoever.

7. That said Municipality does acknowledge that the members of its governing board have examined the plans for the Project prepared under the supervision of the South Dakota Division of Highways, and the same are hereby deemed approved and binding upon the said Municipality and the Board.

8. That the Municipality will enact such ordinances as are necessary to properly enforce any of the above provisions.

9. That the Mayor is authorized and directed to enter into a mutual agreement with the Board providing for the undertaking of this project under the considerations described above.

## THE COMMON COUNCIL

ATTEST:

Arthur P. LaCroix  
Mayor

W. M. Hinde  
Finance Officer

(SEAL)

The motion for the adoption of the foregoing resolution was seconded by Madden, and upon vote being taken thereon, the following voted AYE: Flittie, Gerlach, Kissel, Loucks, Madden, Owens, Schmidt, Townley, Yantes, Young; NO: None, whereupon said resolution was declared duly passed and adopted.

The Mayor presented a petition to allow furniture refinishing on the Lots 29 & 30, Flormann Addition, presently zoned Medium Density Residential. The Finance Officer presented an affidavit showing publication of notice of hearing in the Rapid City Journal on January 26, 1976. It was moved by Gerlach, seconded by Young, and carried to approve this request for a trial period of one year.

It was moved by Kissel, seconded by Gerlach, and carried to continue the first reading of Ordinance 1599, entitled AMENDING SECTIONS 21 and 2a OF ARTICLE III OF APPENDIX A OF THE RAPID CITY CODE OF ORDINANCES, indefinitely and return it to the Planning Commission for review.

It was moved by Kissel, seconded by Gerlach, and carried to continue indefinitely the first reading of Ordinance 1600, entitled AMENDING ARTICLE III, SECTIONS 2a and 2l OF ORDINANCE 1074, OF THE CITY OF RAPID CITY, and return it to the Planning Commission for review.

It was moved by Kissel, seconded by Gerlach, and carried to continue indefinitely the first reading of Ordinance 1601, entitled AMENDING ARTICLE III, SECTIONS 2l AND 2p OF APPENDIX A OF THE RAPID CITY CODE OF ORDINANCES, and return it to the Planning Commission for review.

It was moved by Kissel, seconded by Gerlach, and carried to continue indefinitely the first reading of Ordinance 1602, entitled AMENDING ARTICLE III, SECTIONS 2c AND 2f OF ORDINANCE 1074, OF THE CITY OF RAPID CITY, SD, and return it to the Planning Commission for review.

It was moved by Kissel, seconded by Gerlach, and carried to continue indefinitely the first reading of Ordinance 1603, entitled AMENDING ARTICLE III, SECTIONS 2l AND 2c OF ORDINANCE 1074, OF THE CITY OF RAPID CITY, SD, and return it to the Planning Commission for review.

It was moved by Flittie, seconded by Gerlach, and carried to continue indefinitely the first reading of Ordinance 1610, entitled AMENDING ARTICLE III, SECTIONS 2l AND 2j OF ORDINANCE 1074, OF THE CITY OF RAPID CITY, SD, and return it to the Planning Commission for review.

Fred Whiteface explained the above ordinances rezoning No Use properties required review to ascertain if state statute procedures were being met.

Ordinance 1608 entitled AN ORDINANCE AMENDING ARTICLE III, SECTIONS 21 AND 2c OF ORDINANCE 1074, OF THE CITY OF RAPID CITY, SOUTH DAKOTA, REZONING THE WITHIN DESCRIBED PROPERTY, was introduced. It proposes to rezone Tract D of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Tract E and Tract F of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Tract G, Tract H and Tract I of the S $\frac{1}{2}$  of NW $\frac{1}{4}$ , Plot 1 of the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  East of Sheridan Lake Road and Plot 1 being the W $\frac{1}{2}$  of NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  all of Section 15, T1N, R7E, BHM, Pennington County, SD from No Use to Medium Density Residential. Upon motion made by Madden, seconded by Gerlach, and carried Ordinance No 1608 was placed upon its first reading and was fully and distinctly read. The Finance Officer was authorized and directed to cause publication of notice of hearing thereon, said hearing to be held March 15, 1976, at 7:30 o'clock p.m., in conjunction with the hearing on the PRD, same location.

It was moved by Flittie, seconded by Yantes, and carried to set for hearing a Resolution of Vacation to vacate the alley in Block 8 of Feigel's East Addition, and the Finance Officer was directed to publish notice of hearing; said hearing to be held April 5, 1976.

It was moved by Gerlach, seconded by Flittie, and carried to acknowledge the withdrawal of a rezoning petition for S $\frac{1}{2}$  E2/3 of SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 4, T1N, R7E, containing 13.37 acres, more or less, Black Hills Association Workshop School, petitioner.

2/17/76

included in the audit concerned bidding procedures. Hinde replied this criticism was prompted by the minutes of the meetings which were not complete, in that they were not spreading the bids on the minutes, even though they were accurate. He concluded by remarking most audit comments were of a minor nature. Dail replied he thought these type of errors were going to be corrected when the auditor and treasurer were combined into one job with the idea it would streamline the financial program. Apparently, he conjectured, it is not saving us money or problems.

Frank Ashland argued that the draft of the audit was public information. He had obtained a copy, and later was told it should not have been given to him. Mayor LaCroix, said this was true because it presented an incomplete picture without the City's reply. "I have right to examination", said Ashland, and told the Council he had come back to the Finance Office for the answer to the audit and could not obtain it. He had confronted Woodsend with this, and was told it was not official until Eldon Stohr received it, responded, and returned the bound copy with the report, reply, and response.

"There are things that are disgraceful in the audit", said Ashland, and referred to the Clerk of Court throwing away records up to 1973, the parking meter tickets, duplicate tickets being issued, and a \$26,000 bookkeeping error. He noted the golf course took in funds for rental of locker space without issuing receipts. Ashland added, "I think the auditor missed some things".

Woodsend called Ashland's attention to page 36 of the audit, item 3 under Golf Course: "A locker rental charge of \$5.00 is charged by the golf professional; however, this charge is not authorized in the ordinance establishing the fees to be charged at the golf course." Woodsend also explained this deficiency was corrected immediately by establishing a resolution adopting the locker fee, and prenumbered receipts are being issued.

Madden told Ashland that meetings with the auditors indicated their comments were of a minor nature and could be easily corrected. Woodsend added they had not recommended further audit. Gerlach said she felt the City should have courtesy tickets for tourists and individuals from other areas who shop in Rapid City. The 30,000 dismissed tickets, and 16,000 missing tickets was an average of 125 tickets a day, and Gerlach said she hoped the city averaged more tourists and shoppers than this per day; "We need a lot more than this". Woodsend said this 16,000 included the number of outdated tickets that were thrown away when new ones with updated rates were instigated.

"Isn't it odd that this has not happened in the past", countered Dail, "I hope this isn't happening now". Mayor LaCroix assured Dail the City was correcting those items the auditors commented on and felt sure audits done in years past would reveal their own problems. Vince Washburn told the Council he had written a check to the Clerk of Courts in July of 1973 and it did not clear the bank until November of that year which was an indication of their improper handling of money during that time.

The Mayor announced that the meeting was open for hearing on Ordinance 1608 which proposes to rezone Tract D of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Tract E and Tract F of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Tract G, Tract H and Tract I of the S $\frac{1}{2}$  of NW $\frac{1}{4}$ , Plot 1 of the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  East of Sheridan Lake Road and Plot 1 being the W $\frac{1}{2}$  of NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  all of Section 15, T1N, R7E, BHM, Pennington County S. D. from No Use to Medium Density Residential. The Finance Officer presented an affidavit showing publication of notice of hearing on said proposed rezoning in the Journal on February 26 and March 4, 1976. Following appeared: Bob Buckingham. Ordinance No. 1608, having had the first reading on February 17, 1976, it was moved by Kissel, seconded by Flittie, that said Ordinance 1608 entitled, ORDINANCE AMENDING SECTIONS 2L AND 2A OF ARTICLE III OF APPENDIX A OF THE RAPID CITY CODE OF ORDINANCES, REZONING THE WITHIN DESCRIBED PROPERTY, be read the second time. Upon vote being taken thereon, the following voted AYE: Flittie, Gerlach, Kissel, Madden, Owens, Schmidt, Townley, Yantes, Young; and the following voted NO: NONE, whereupon the Mayor declared the motion duly passed and read Ordinance 1608 the second time.

This was also the time set for the hearing for a Planned Residential Development on Tract D of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Tract E and Tract F of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Tract G, Tract H and Tract I of the S $\frac{1}{2}$  of NW $\frac{1}{4}$ , Plot 1 of the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  East of Sheridan Lake Road and Plot 1 being the W $\frac{1}{2}$  of NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  all of Section 15, T1N, R7E, BHM, Pennington County, S. D. The following appeared: Bob Buckingham. Jerry Heibert explained this was the preliminary approval of the PRD and Buckingham added he understood this would be reviewed every three years, "During that time as we plat individual segments of the project then these plats are reviewed to conform to the preliminary PRD. If they do not, we are in violation". Schmidt asked how the Council could approve something that was not completed. Heibert explained there was a preliminary layout, but the final street lines were not shown. Flittie asked if there were any substantial changes since the special meetings held in regard to the development. Buckingham said there were not. Gerlach agreed that the general nature of the development had been reviewed thoroughly. It was moved by Madden, seconded by Kissel, and carried with Schmidt voting NO to approve the preliminary Planned Residential Development at the aforesaid location.

The following resolution was introduced, read, and Kissel moved its adoption:

INITIAL RESOLUTION FOR SEWER AND WATER PROJECT SW-76-2,  
RAYMOND AND HARNEY DRIVE

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

1. This Council deems it necessary to improve by providing an 8" water line and 8" sewer along

3/15/76