

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
September 2, 2003

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 Tuesday, September 2, 2003 at 7:00 P.M.

A quorum was determined with the following members answering the roll call: Mayor Jim Shaw and the following Alderpersons: Jean French, Alan Hanks, Sam Kooiker, Tom Murphy, Martha Rodriguez, Bill Waugh, Ray Hadley, Ron Kroeger and Rick Kriebel. The following Alderman arrived during the course of the meeting: None; and the following were absent: Jeff Partridge.

Staff members present included Finance Officer Jim Preston, Acting Public Works Director Ted Vore, Planning Director Marcia Elkins, Police Chief Craig Tieszen, Fire Chief Gary Shepherd, Project Administrator Rod Johnson and Administrative Assistant Jeri Lynn.

Approval of Minutes

Motion was made by Rodriguez, seconded by Waugh and carried to approve the minutes of August 18 and August 26, 2003.

Adoption of the Agenda

Rodriguez suggested that all comments be limited to three minutes during this meeting. The following items were suggested for inclusion on the Agenda:

- Discussion of structures in the right-of-way (Murphy)
- Authorize staff to sell a surplus garbage vehicle to the City of New Underwood (Preston)
- East Meade Drainage Channel (Kooiker)
- City Engineering Specifications (Kooiker)
- Intersection of West Chicago & Platt Street, and E. St. Joe & Steele Street (Hadley)
- Condrey & Associates Study (Hadley)
- Move Item No. 17 to after No. 72 (Planning)
- Introduction of new City Attorney (Mayor)
- Report on Sales Tax Revenue during the motorcycle rally (Mayor)
- Rex Appeal (Mayor)
- Update on West Nile Virus Mosquito Control Issue (Mayor)
- Strike (Information Only) from items 95 and 96 (Public Works)

Kooiker stated that it was his understanding that all actions of the CIP Committee were to be approved by the City Council. Hanks explained that the motion that was passed by the City Council was to take all changes to the CIP Plan to the Legal & Finance Committee. If there is any concern or changes to those plans that the Legal & Finance Committee felt needed to be submitted to the City Council, they would forward that action to the City Council. Since there were very few discussion items and no changes to the plan, the Legal & Finance Committee did not forward a report to the Council. Kooiker requested that this item be put under Motions for Delivery of Item from Committee.

Motion was made by Hanks, seconded by Waugh and carried to adopt the agenda with the changes and additions noted above.

Bid Openings

Finance Officer Preston requested authorization to sell a **used garbage truck** to the City of New Underwood. They sent a letter offering \$25,000 for the truck and staff recommends that it be accepted. The prior bid for this particular surplus truck was \$18,000. Motion was made by Rodriguez, seconded by Hanks and carried to authorize the sale of a 1998 surplus garbage truck to the City of New Underwood, for the amount of \$25,000.

Mayor's Items

Mayor Shaw introduced and welcomed Theresa Maule, the new City Attorney. Maule comes from Winner, South Dakota.

Shaw presented the **Citizen of the Month Award** to Ella Hoffman and commended her for outstanding volunteer service to the community.

As part of **library month**, Shaw encouraged everyone in the community to read the book "Rex Appeal" which was written by local authors Peter Larson and Kristin Donnan. The Library will be having a variety of activities to promote the One Book One Community program.

Shaw reported that a teleconference was held earlier today regarding **West Nile Virus** and the mosquito eradication programs. The problem with mosquito control is that spraying for mosquitoes is relatively ineffective. The insects travel far from their homes and spraying must be done every day or two. The more effective way to control mosquitoes is by killing the larvae. The city is undertaking this procedure in public areas like drainage areas. The best approach to control mosquitoes is for the entire community to do all they can to eliminate standing water and protect themselves by using insect repellent and dressing appropriately. The city is continuing to explore ways to effectively treat mosquitoes. Patricia Burton urged the Council to do something now to control the mosquitoes and the problems they are creating. There is no time left for a study of this issue. Other areas of the country have been spraying for mosquitoes and have provided mosquito control for many years.

Mayor Shaw also reported that the City received a letter from the Department of Revenue outlining the number of vendors and the amount of sales tax collected during the Sturgis Motorcycle Rally. In 2003, there were 93 temporary vendors licensed in Rapid City during the first two weeks of August. Their gross sales totaled \$1,098,533 and the amount of Rapid City sales tax collected was \$22,023. This represents a 26% increase over 2002. Shaw noted that these figures are for Rapid City only and do not include the City of Sturgis.

Project Administrator Rod Johnson and Police Chief Craig Tieszen briefed the Council on the **2012 projects** that are under construction at the present time. Hadley asked about negotiations between the adjacent property owners and the girls softball league relative to the times when the lights are on at the new girls complex on Parkview Drive. Johnson stated that he will get the parties together to discuss this issue.

The next item discussed by the Council was the **2004 Appropriation Ordinance**. Mayor Shaw stated that one of the most important things the Mayor and Council do during the year is the development and implementation of the annual budget. Embodied within the budget document is most of what we do in the city. We collect taxes from citizens, prioritize them through the budgeting process, and then provide services to the people in the community. Shaw stated that he believes good things are happening in Rapid City through a number of areas. City Hall is involved with a re-organization of second floor in hopes of smoothing out the process for getting building permits and the development process. The city is about to embark on a stepped-up economic development effort, and there is also a downtown development process that is beginning to come together in an attempt to re-vitalize the downtown area. Shortly, we will be unveiling our "Undoing Racism" efforts for the community. All of these efforts are designed to enhance the quality of life and increase the level of

prosperity for all citizens. Regarding the city's budget, there are some concerns about the budget for 2004, however, Shaw stated that he does not believe this is a budget crisis. There is, however, legitimate reason for careful consideration of the City's spending plan. There has been a slow-down in the economy nation-wide. Rapid City has not been hit as hard as some places, but sales tax collections have been flat for the last 18-24 months. Shaw stated that the city is required to present a balanced budget and the 2004 budget was balanced by using \$3.4 million from the City's \$11.2 million reserve. Shaw added that this is a budget, and actual spending historically has been 5%-8% lower while revenues have typically been 2%-4% higher. Wage increases have been negotiated with the unions and are included in the proposed budget as well as added health care costs. As a result of discussions over the last two weeks, the department heads have identified approximately \$2 million in additional spending that could be eliminated or delayed for at least six months. This would allow the Council an opportunity to review the revenues and priorities and make decisions on capital expenditures in FY2004. Finance Officer Preston submitted a list of possible reductions in the 2004 budget. Those marked with an "M" are part of the moratorium list. These items would be included in the budget, but the expenditure would require Council approval. Those items marked with a "C" would be cut from the budget.

Ordinance 3972, the 2004 Appropriation Ordinance, was introduced. Motion was made by Kroeger and seconded by Waugh to approve first reading of Ordinance 3972; and set a special meeting for Wednesday, September 10, 2003 at 6:00 P.M. for additional discussion of the proposed budget. Kriebel asked if funding for Horace Mann Pool was included in the budget before the Council at this time. Preston stated that no funding has been included for operation of this pool for 2004. Ray Summers asked that the subsidy for the **Journey Museum** be reinstated to the full amount. The museum has been identified as one of the areas that should be cut. There were approximately 20 people in the audience in support of funding for the museum. Summers explained that he has been the Director for the museum for approximately 18 months. When he was hired, it was indicated that the Journey Museum needed a new look and a different style of leadership. One of the things he was lead to believe was that the city was also behind the museum. This would be the third year the Journal has requested a subsidy from the City. Summers also submitted an external audit to the Mayor's office which clearly states that any reduction or elimination of funding from the City will put the museum's future in peril. Summers stated that the museum is the historical and cultural center for this area, not just a tourist attraction. This is a \$20 million investment in the history of the area and it is a resource that is under-appreciated by people living in the community. Summers stated that part of his job has been to highlight this resource and bring to the attention of the community how this resource can be better utilized. They are currently working to develop an education program and are promoting the museum through the activities that are hosted in the changing gallery. Staff is working to partner with other education venues in the community in an attempt to develop better use of the facility. Summers requested that the Council continue to support the museum in the requested amount of \$325,000. Chris Jenkins, Ann Renke, Gary Gamache, Don Thorson, Jay Davis spoke in favor of keeping **Horace Mann Pool** open. It is a unique pool in a unique location that serves this part of the community very well. It was also noted that this is the only outdoor 50 Meter lap pool in western South Dakota which can be used for swim meets. Davis suggested that the city partner with the School of Mines to have an engineering study done on the pool. Tom Johnson asked the Council to consider a different approach relative to revenues generated from the sales tax on food. Rather than raising the tax on food and then reducing the overall tax to offset it, consider reducing the property tax, dollar for dollar. This will be better for the citizens in the community. Kooiker stated that he is disappointed in this budget for a number of reasons: 1) Food tax vs. property tax. He asked for justification for the increase in property taxes included in the 2004 Budget, however, he doesn't feel that information was brought forward in any of the meetings that were held. He doesn't feel the property tax increase included in the proposed budget is justified for two reasons: a) He feels City Hall has already demonstrated a questionable ability to appropriately spend taxpayer dollars. Also, the newly implemented food tax, which we have no control over in terms of

implementing, will be a windfall because of the way the numbers were calculated by the Department of Revenue. The second issue is Horace Mann Pool. It seems that closing Horace Mann is a foregone conclusion and he feels the City should try to keep it open one more season and run it concurrently with the Roosevelt pool to measure the impacts. Kriebel agreed with Kooiker in that he is disappointed that Horace Mann pool is not included in the budget. Regarding property tax vs. food tax, Kriebel stated that he feels the property tax and the mill levy issues are state problems, however, the state will not address them. Substitute motion was made by Kriebel and seconded by Kooiker to include funding for the Horace Mann Pool in the 2004 Budget, in the amount of \$120,000. Asst. Finance Officer Schmidt noted that this amount is \$120,000 in expense, \$20,000 in revenue, for a subsidy of \$100,000. Hanks stated that we should address all the budget issues at the special meeting that has been set up for that purpose and not play to the crowd that is before us at this particular time. Murphy concurred noting that the Council should look at all the issues at the same time, not one at a time. Roll call vote was taken: AYE: French, Kooiker, Rodriguez, Waugh, Hadley, Kroeger and Kriebel; NO: Hanks and Murphy. Motion to amend carried, 7-2. Hadley stated that he cannot support the motion to approve first reading of the ordinance because we have cut most of the training for city personnel from the budget. He added that he thought the direction to the department heads was to review what capital expenditures could be cut, not training to keep the city's personnel proficient. Rodriguez stated that her recollection was the Council directed department heads to review their budgets to determine what could be cut. Roll call vote was taken on the original motion to approve first reading of Ordinance 3972, as amended: AYE: French, Murphy, Rodriguez, Waugh, Kroeger and Kriebel; NO: Hanks, Hadley and Kooiker. Motion carried, 6-3.

Items from Council Members/Liaison Reports

Motion was made by Kooiker and seconded by Hadley to refer the following item to the Legal & Finance Committee and request that the City Attorney bring forward a recommendation at that time: Request to Include **video of city council meetings** as a part of the official record. French requested a friendly amendment to the motion to include discussion on filming the committee meetings. Kooiker concurred. Upon vote being taken, the motion, including the friendly amendment, carried unanimously.

The next item discussed by the Council was the need for a **pedestrian light** on Fairmont and Oak. French stated that there are a number of children on either side of Fairmont Boulevard that need to cross this street to get to school. This road is very difficult to cross in the morning before school and in the afternoon when school lets out. Mayor Shaw suggested that this issue be forwarded to the PATH Committee for consideration. Motion was made by French, seconded by Hanks and carried to refer this issue to the PATH Committee for review and recommendation.

Kooiker stated that he has been contacted by several constituents relative to the **East Meade Drainage Area**. This has been a perennial issue both with large appliances and trash dumped in the weeds, as well as standing water, weeds and mosquitoes. Motion was made by Kooiker, seconded by Hanks and carried to request that staff put together a proposal to take care of the issues in the East Meade Drainage Channel and bring a recommendation forward to the next Public Works Committee meeting for discussion.

Murphy stated that there are **structures in the right-of-way** at Flormann & Fifth Street and Fifth & St. Francis Streets. These are obsolete pedestals for mail boxes which are no longer used. They are becoming a hazard for pedestrians in this area. Motion was made by Murphy, seconded by Kriebel and carried to request that the City Attorney's Office begin a dialogue with the United States Postal Service to see about getting these structures removed.

Kooiker stated that Section 16.04.080 of the Municipal Code states that **city engineering specifications** need to be approved by the City Council prior to implementation. Motion was

made by Kooiker, seconded by French and carried to request that the city engineering specifications be submitted at the next Public Works Committee meeting for further consideration.

Motion was made by Hadley, seconded by and carried to direct staff to **review the following intersections** and submit a recommendation to the Public Works Committee, within 30 days: West Chicago/Platt Street intersection (trees are blocking the view of traffic) and St. Joe and Steele Street (landscaping blocking the view for traffic). Hadley stated that he would also like to have accident information for the St. Joe/Steele Street Intersection.

Hadley stated that he has questions about the **Condrey & Associates Study** and how it works. Motion was made by Hadley and seconded by Kooiker to take the Condrey Associates Study to the Information Meeting in October so that the Council members can be briefed on how the study works. Kooiker offered a friendly amendment to route the Study to the Wage & Benefit Committee also. Shaw stated that they will proceed with the understanding that the study will be submitted to the Wage & Benefit Committee. Upon vote being taken, the motion carried unanimously.

Kooiker stated that it was his understanding that the **CIP Committee** was a recommending body and that any actions taken by that Committee would be brought forward to Council for final action. My understanding is that Legal & Finance Committee is a filtering body and then it comes to the Council. He asked that we would start bringing the actions from the CIP Committee for discussion by the entire Council. No action was taken on this issue.

The Council recessed at 9:10 and reconvened at 9:25 P.M.

Motions for Delivery of Item from Committee

Kooiker stated that it is his understanding that actions from the **CIP Committee** are supposed to come to the Council for action. He suggested that the CIP Committee come into compliance with the procedures, as outlined in the City Code.

Continued Items Consent Calendar – Items 7-34

The following items were removed from the Continued Items Consent Calendar:

11. No. 03PL028 - A request by DLK Engineering for South Creek Village Limited Partnership for a **Preliminary and Final Plat** on Lot A and Lot B of Lot 2, Superpumper Addition, located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, Superpumper Addition located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Cambell Street and Fairmont Boulevard.
17. No. 03PL054 - A request by Davis Engineering, Inc. for Verlyn and Cindy Bourne for a **Preliminary and Final Plat** on Lot A and Lot B of Bourne Addition located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located at 5511 Hidden Valley Lane.

Motion was made by Waugh, seconded by French and carried to continue the following items, as noted:

Continue the following items until September 15, 2003:

7. No. 02PL029 - A request by Davis Engineering for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Reservoir Road and Longview Drive.
8. No. 02PL040 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1-6 of Block 1; Lot 1 of Block 2; Lots 1-20 of Block 3, Lots 1-14 of Block 4; Lot 1 of Block 5, of Eastridge Subdivision and dedicated Enchantment Road, Eastridge Drive, Sally Court, and major drainage easements located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 NW1/4; N1/2 NE1/4 less NW1/4 NW1/4 NE1/4 and less NE1/4 NW1/4 NE1/4 and less NW1/4 NE1/4 NE1/4; NW1/4 NW1/4; SE1/4 NW1/4 less the west 460 feet of the south 990 feet and less Lot H1; SW1/4 NW1/4 less the south 990 feet, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Fifth Street.
9. No. 02PL093 - A request by Davis Engineering for a **Layout, Preliminary and Final Plat** on Lot 1 Block 1, Lots 1 thru 6, Block 2, Lots 1 thru 8, Block 3, Lots 1 thru 7, and Lots 10 thru 15, Block 4, Lots 1 thru 3 and Lots 11 thru 16, Block 5 of Murphy Ranch Estates, all located in NE1/4 NW1/4 of Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 less Murphy's Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on Longview Drive to the east of East 53rd Street and Reservoir Road.
10. No. 02PL116 - A request by Dream Design International, Inc. for a **Final Plat** on Lot 1, Block 1; Lots 1 thru 5, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; Lots 1 thru 4, Block 5; Lot 1, Block 6 and dedicated Street, Big Sky Business Park, located in the SW1/4 SW1/4 and the S1/2 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 SW1/4 NW1/4 including private drive, less Lot H2 and less right-of-way; the unplatted portion of the E1/2 SW1/4 NW1/4; and the unplatted portion of the S1/2 GL3; S1/2 GL4 less Lot 1 and less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and less right-of-way; all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Road.
12. No. 03PL030 - A request by Renner & Sperlich Engineering Co. for Gordon Howie for a **Final Plat** on Lots 12 thru 20 of Block 13, Lots 25 thru 32 of Block 14, and Lots 20 thru 25 of Block 15, Trailwood Village, located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located along Mercury Drive, Cabbot Court and Shad Street.
13. No. 03PL035 - A request by Renner & Sperlich Engineering Company for Dean Kelly for a **Layout, Preliminary and Final Plat** on Lots B and C of Lot 6, Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3960 Corral Drive.
14. No. 03PL042 - A request by Renner and Sperlich Engineering Co. for Gordon Howie for a **Layout, Preliminary and Final Plat** on Lots 1 thru 5 of Block 18, Lots 1 thru 6 of Block 19, Lot 1 of Block 20, and Lots 1 thru 12 of Block 21, and Drainage Lot A, Trailwood Village, located in the E1/2 of the SE1/4 of Section 10, T1N, R8E, BHM,

Pennington County, South Dakota, legally described as the balance of Tract T of Trailwood Village, located in the E1/2 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located west of the intersection of Pluto Drive and Reservoir Road.

15. No. 03PL050 - A request by Mark Polenz for Daniel Schoenfelder for a **Preliminary Plat** on Lot A and Lot B of Schoenfelder Subdivision all located in the NW1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, legally described as Lot 1 of Lot C of Schamber Section 9 NW1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, located at 3505 Western Avenue.
16. No. 03PL051 - A request by Doug Sperlich for Jeff Stone for a **Final Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive.
18. No. 03PL055 - A request by TSP Three, Inc. for Wellington Heights, LLC for a **Preliminary and Final Plat** on Lots 1 thru 45, Block 1, Wellington Heights Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B, Cleary Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 6715 Wellington Drive.
19. No. 03PL063 - A request by Fisk Land Surveying and Consulting Engineers for Dakota Land Development for a **Final Plat** on Lots 1 thru 3, Vista Lake Subdivision #2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 and a portion Lot F-1 of the Fish Hatchery Subdivision, located in the NE1/4 SW1/4 and the N1/2 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Jackson Boulevard north of the Fish Hatchery.
20. No. 03PL067 - A request by FMG, Inc. for Bypass LLC for a **Preliminary Plat** on Lots 1 through 9 of Block 1, Lots 1 through 3 of Block 2, Lots 1 through 6 of Block 3, all of I-90 Heartland Business Park, and dedicated public right-of-way shown on Elk Vale Road, Seger Drive, Taggart Road and Galt Court located in the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NE1/4; N1/2 NE1/4 NE1/4; and the unplatted portion of the S1/2 NE1/4 NE1/4; N1/2 SE1/4 NE1/4 all in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north and west of the intersection of I-90 and Elk Vale Road.
21. No. 03PL069 - A request by Renner & Sperlich Engineering for Thomas J. Farrar for a **Preliminary and Final Plat** on Lots 6A and 6B of Block 2, Century Park Subdivision located in E1/2 of SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, south Dakota, legally described as Lot 6 of Block 2 of Century Park Subdivision located in E1/2 of SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, south Dakota, located along Samco Road.
22. No. 03PL077 - A request by Centerline, Inc. for 3 T's Land Development LLC for a **Final Plat** on Lots 31 thru 40, Minnesota Ridge Subdivision, located in the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract C of Robbinsdale Addition No. 10 located in the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of Minnesota Street and 5th Street.

23. No. 03PL078 - A request by Centerline for 3 T's Land Development LLC for a **Final Plat** on Lots 9A and 9B in Block 28, Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 9 in Block 28, Robbinsdale Addition No. 10 and an unplatted portion of Tract C in Minnesota Ridge Subdivision, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of 5th Street and Minnesota Street.
24. No. 03PL079 - A request by Renner & Sperlich Engineering for Doyle Estes for a **Preliminary and Final Plat** on Lot 2R and Lot BR of the Washburn Lot, located in Government Lot 4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, less Lot H-1 of Lot 1 and 2 of the Washburn Lot, and Lot B of the Washburn Lot, located in Government Lot 4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of West Main Street and Jackson Boulevard.
25. No. 03PL080 - A request by FMG, Inc. and John Nooney for GELD, LLC and Williston Basin Interstate Pipeline Company for a **Layout, Preliminary and Final Plat** on Lots 1 through 3 of Block 1 of Geld Subdivision, located in the NE1/4 of NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Parcel 5 of NE1/4 NW1/4 of Section 25, T2N, R7E, and a portion of Parcel 8 of N1/2 NW1/4 of Section 25, T2N, R7E, and Lot 2 of Block 1 of Tires Plus Addition, and a portion of the unplatted balance of NE1/4 NW1/4 of Section 25, T2N, R7E, all located in NE1/4 of NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of I-90.
26. No. 03PL081 - A request by Fisk Land Surveying & Consulting Engineers for Canyon Lake Church of God for a **Preliminary and Final Plat** on Lots 1 and 2 of Hillsview Subdivision #2 and dedicated right-of-way, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 in SW1/4 SW1/4 of Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, less Lot H1 and H2 of said Lot 1 of the SW1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1829 Hillsview Drive.
27. No. 03PL082 - A request by Fisk Land Surveying & Consulting Engineers for Dan O'Brien for a **Layout Plat** on Lots 1 through 33 of Block 10 of Fairway Hills PRD and dedicated Right-of-Way, located in the W1/2 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and a portion of Lot 3A of Fairway Hills PRD and a portion of the unplatted portion, less Lot H1, of the NW1/4 SW1/4 of Section 15, T1N, R7E, BHM, located in the W1/2 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Sheridan Lake Road and Heidiway Lane and along Fairway Hills Drive.
28. No. 03SV013 - A request by Renner & Sperlich Engineering Company for Dean Kelly for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, dry sewer, paving and additional right-of-way width on Corral Drive as per Chapter 16.16 of the Subdivision Regulations** on Lots B and C of Lot 6, Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3960 Corral Drive.
29. No. 03SV028 - A request by Dream Design International for Doyle Estes (DTH LLC) for a **Variance to the Subdivision Regulations to waive the requirement to install**

curb, gutter, sidewalk, sewer, watermain and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code on Lot 3-7, Block 13; and dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 GL3 less Big Sky Subdivision; S1/2 GL4 less Lot H1 and Less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and Less Right-of-Way, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Buddy Court off of Degeest Drive.

30. No. 03SV029 - A request by Fisk Land Surveying & Consulting Engineers for Canyon Lake Church of God for a **Variance to the Subdivision Regulations to allow a sidewalk on one side of streets in lieu of both sides as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Hillview Subdivision #2 and dedicated right-of-way, Section 4, SW1/4 SW1/4 of T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 in SW1/4 SW1/4, less Lot H1 and H2 of said Lot 1 of the SW1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1829 Hillview Drive.
31. No. 03SV030 - A request by Fisk Land Surveying & Consulting Engineers for Dan O'Brien for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks on one side of the street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 33 of Block 10 of Fairway Hills PRD and dedicated Right-of-Way, located in the W1/2 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and a portion of Lot 3A of Fairway Hills PRD and a portion of the unplatted portion, less Lot H1, of the NW1/4 SW1/4 of Section 15, T1N, R7E, BHM, located in the W1/2 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Sheridan Lake Road and Heidiway Lane and along Fairway Hills Drive.
32. No. 03TI009 - A request by Dream Design International for a **Resolution Creating Tax Increment District No. 42** on the NE1/4NE1/4 less ROW, GL2, SW1/4NE1/4, N1/2GL3, GL 4 less ROW, E1/2SW1/4NW1/4, S1/2GL3 less Big Sky Subdivision, SE1/4NW1/4 less Big Sky Subdivision, W1/2SW1/4NW1/4 including private Drive and less ROW, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and Lot 8 including ROW, Block 13, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 2, 3, 4, and 5 including ROW, Block 14, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4NW1/4, SW1/4NW1/4 less ROW, N1/2SW1/4 less ROW, S1/2SW1/4 less Lot 1 of Neff Subdivision #3 less ROW, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Neff Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in SW1/4NW1/4, Lot H2 in SW1/4NW1/4, Lot H1 in W1/2SW1/4, Lot H2 in N1/2W1/2SW1/4, and Lot H3 in S1/2SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in N1/2 of Government Lot 4, Lot H3 in S1/2 of Government Lot 4, Lot H2 in W1/2SW1/4NW1/4, Lot H1 in NW1/4NW1/4, and Lot H1 in SW1/4NW1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in E1/2NE1/4, Lot H2 in E1/2NE1/4, Lot H2 in E1/2SE1/4, and Lot H1 in SE1/4, all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in NE1/4, and Lot H2 in Government Lot 1 and the SE1/4NE1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4NE1/4, Section 33, and SW1/4NW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4, Section 33 and SW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road

between NE1/4 of Section 4 and NW1/4 of Section 3, all in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Homestead Drive and Degeest Street rights-of-way, located in the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road and north of Twilight Drive.

33. No. 03TI010 - A request by Dream Design International for a **Tax Increment District No. 42 - Project Plan** on the NE1/4NE1/4 less ROW, GL2, SW1/4NE1/4, N1/2GL3, GL 4 less ROW, E1/2SW1/4NW1/4, S1/2GL3 less Big Sky Subdivision, SE1/4NW1/4 less Big Sky Subdivision, W1/2SW1/4NW1/4 including private Drive and less ROW, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and Lot 8 including ROW, Block 13, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 2, 3, 4, and 5 including ROW, Block 14, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4NW1/4, SW1/4NW1/4 less ROW, N1/2SW1/4 less ROW, S1/2SW1/4 less Lot 1 of Neff Subdivision #3 less ROW, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Neff Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in SW1/4NW1/4, Lot H2 in SW1/4NW1/4, Lot H1 in W1/2SW1/4, Lot H2 in N1/2W1/2SW1/4, and Lot H3 in S1/2SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in N1/2 of Government Lot 4, Lot H3 in S1/2 of Government Lot 4, Lot H2 in W1/2SW1/4NW1/4, Lot H1 in NW1/4NW1/4, and Lot H1 in SW1/4NW1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in E1/2NE1/4, Lot H2 in E1/2NE1/4, Lot H2 in E1/2SE1/4, and Lot H1 in SE1/4, all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in NE1/4, and Lot H2 in Government Lot 1 and the SE1/4NE1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4NE1/4, Section 33, and SW1/4NW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4, Section 33 and SW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road between NE1/4 of Section 4 and NW1/4 of Section 3, all in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Homestead Drive and Degeest Street rights-of-way, located in the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road and north of Twilight Drive.

Continue the following items until October 6, 2003:

34. No. 03PL045 - A request by Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz for a **Preliminary and Final Plat** on Lots A and B of Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1903 North Maple Avenue.

End of Continued Items Consent Calendar

The Mayor presented No. 03PL028, a request by DLK Engineering for South Creek Village Limited Partnership for a **Preliminary and Final Plat** on Lot A and Lot B of Lot 2, Superpumper Addition, located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, Superpumper Addition located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Cambell Street

and Fairmont Boulevard. Elkins noted that the applicant did not meet the 4:00 PM deadline on Wednesday, however, all the information has been submitted at this time. Motion was made by Hadley and seconded by Murphy to approve the Plat. Kooiker spoke against the motion noting that there have been concerns regarding access and safety to this property. He also expressed concern about the overall issue of whether or not these are actually low income properties. Hadley noted that this is the platting of the land and the issues relative to access have been previously addressed. Roll call vote was taken: AYE: Hanks, French, Murphy, Waugh, Hadley, Kroeger and Kriebel. NO: Kooiker and Rodriguez. Motion carried, 7-2.

Alcoholic Beverage License Applications

Upon motion made by Hanks, seconded by Rodriguez and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, September 15, 2003:

35. Rapid City Fine Arts Council dba Dahl Arts Center, 713 Seventh Street, for a Special Malt Beverage License to be used on September 26, 2003 at the Dahl Museum
36. Rapid City Fine Arts Council dba Dahl Arts Center, 713 Seventh Street, for a Special Wine License to be used on September 26, 2003 at the Dahl Museum
37. Rapid City Fine Arts Council dba Dahl Arts Center, 713 Seventh Street, for a Special Malt Beverage License to be used on October 24, 2003 at the Dahl Museum
38. Rapid City Fine Arts Council dba Dahl Arts Center, 713 Seventh Street, for a Special Wine License to be used on October 24, 2003 at the Dahl Museum
39. Rapid City Softball Association, for a Special Malt Beverage License to be used on October 4, 2003 at the Fine Arts Building at the Central States Fairgrounds, for the Darwin Shoop Benefit Fundraiser

Consent Calendar Items – 40-68

The following items were removed from the Consent Calendar:

40. No. PW081203-14 – Approve a request from the Longview Sanitary District to acquire water service from Rapid City in accordance with the adopted resolution.
42. Request staff to pursue and coordinate with the South Dakota Department of Transportation the re-painting of a crosswalk on 8th Street between St. Patrick Street and Cathedral Drive, and re-painting of a crosswalk at 916 Mt. View Road and installing the proper signage.
45. No. PW082603-05 – Authorize staff to advertise for bids for Knollwood Drainage Improvements Project No. DR03-1326.
48. Extend Water Conservation Measures to November 30, 2003.

Motion was made by Hadley, seconded by French and carried to approve the following items as they appear on the Consent Calendar:

Set for Hearing (None)

Public Works Committee Consent Items

41. No. PW082603-01 – Deny a request from Kent Hagg for a Special Exception to City Ordinance 13.04.350 and 13.08.130.
43. No. PW082603-02 – Approve Change Order No. 02F for Fifth Street Utility Reconstruction Project No. SSW98-753 to Heavy Constructors for an increase of \$3,613.36.
44. No. PW082603-03 – Approve Change Order No. 01F for Cathedral Drive Pedestrian Signals Project No. ST03-1252 to Checker Electric, Inc. for a decrease of \$24,913.80.

- 46. No. PW082603-07 – Authorize Mayor and Finance Officer to sign United States Department of the Interior Temporary Water Service Contract for Pactola Reservoir for October 1, 2003 through September 30, 2004.
- 47. Waive the Impact Fee for 632 Crazy Horse Street, Black Hills Area Habitat for Humanity.
- 49. No. 03VE009 – Approve a Vacation of a 35 foot wide Access Easement along the north property boundary for petitioner Donald Douma for Atonement Lutheran Church located at 522 Anamosa Street.

RESOLUTION OF VACATION OF
AN ACCESS EASEMENT

WHEREAS it appears that the 35 foot wide access easement on Lot 1 of Lot A, Block 6, Northern Heights Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 522 Anamosa Street is not needed for public purpose; and

WHEREAS the owner(s) of property adjacent to the above-described property desires said access easement be vacated and released;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the access easement heretofore described, and as shown on Exhibit "A", attached hereto, be and the same is hereby vacated.

Dated this 2nd day of September, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

Legal & Finance Committee Consent Items

- 50. No. LF082703-02 – Approve the Mayor’s appointment of Ethan Schmidt to Sign Code Board of Appeals.
- 51. No. LF082703-03 – Approve the Mayor’s Appointment of Stuart Wevik to Development Appeals & Review Board.
- 52. Approve the Travel Request for Municipal League Convention to be held October 7-10, 2003, in Pierre, South Dakota.
- 53. Authorize staff to apply for 2003 Local Law Enforcement Block Grant in the Amount of \$90,339 (Local Match of \$10,038) to Update and Upgrade Technology.
- 54. No. LF082703-07 – Approve Event Permit for Red Ribbon Committee to Hold Parade on October 18, 2003.
- 55. No. LF082703-08 – Approve Event Permit for Festival of Lights to Hold Holiday Parade on November 29, 2003.
- 56. No. LF082703-09 – Approve Travel Request for Terri Davis, Greta Chapman, Jeannie McCallister, Jennifer Irwin, and Brenda Standiford to Attend South Dakota Library Association Annual Conference in Sioux Falls, SD, from October 15-18, 2003, in the Amount of \$1,904.
- 57. No. 03TP011 – Authorize Staff to advertise the 2004-2008 Transit Development Plan Request for Proposals.
- 58. No. LF081303-13 – Approve the following Resolution:

RESOLUTION TO AMEND THE
AFSCME UNION COMPENSATION WAGE PLAN
TO ESTABLISH THE POSITION OF TRAFFIC OPERATIONS WORKER

WHEREAS, a job evaluation has been conducted utilizing the Factor Evaluation System methodology to establish the city's compensation plan; and,

WHEREAS, the evaluation established that the duties and responsibilities of the following position justify placing the classification within the named Grade of the AFSCME Union pay scale;

Job Title	Grade	Wage
Traffic Operations Worker	11	\$12.91 to 19.65/hr.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the AFSCME Union Pay Plan by adding the above position classification description at the grade recommended in the job evaluation.

Passed this 2nd day of September, 2003

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

- 59. No. LF081303-14 – Approve the following Resolution:

RESOLUTION TO AMEND THE AFSCME UNION COMPENSATION
WAGE PLAN TO ESTABLISH THE POSITION OF
WATER RECLAMATION MAINTENANCE TECHNICIAN

WHEREAS, a job evaluation has been conducted utilizing the Factor Evaluation System methodology to establish the city's compensation plan; and,

WHEREAS, the evaluation established that the duties and responsibilities of the following position justify placing the classification within the named Grade of the AFSCME Union pay scale;

Job Title	Grade	Wage
Water Reclamation Maintenance Technician	16	\$16.48 to \$25.08/hr.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the AFSCME Union Pay Plan by adding the above position classification description at the grade recommended in the job evaluation.

Passed this 2nd day of September, 2003

ATTEST:
s/ James Preston
Finance Officer
(SEAL)

THE CITY COUNCIL
s/ Jim Shaw, Mayor

60. Authorize Mayor and Finance Officer to Sign Contract for Internet Services with Black Hills Fibercom (\$410 Per Month Plus an Installation Charge of \$550).
61. No. LF082703-14 – Approve Travel Request for Michael S. Booher to Attend IMLA Annual Conference in Minneapolis, Minnesota, from October 11-15, 2003, in an Approximate Amount of \$1,931.
62. Approve the following Licenses: Central Station Service: Golden West Technologies, Inc., Greg Von Wald; Electrician Apprentice: Daryl Wayne Alderman, Brandon Z. Arnold, Robert A. Baker, Tony W. Martin, Clarence Moshier, III, James C. Pierce, Jim Poler, Vern Storm; Electrician Journeyman: Theodore M. Adam, John J. Brethauer; House Mover: Kent Hazelrigg; Mechanical Apprentice: Wesley P. Maynard, Mitch Shaffer, Brent Strand; Mechanical Contractor: Daniel V. DeJong, Black Hills Power; Lonny Ryman, D & R Service; Plumber: Ezra Ahrendt; Residential Contractor: Glenn Wilterdink, Glenn Wilterdink Construction; Trenching Journeyman: James N. Renville, Scott Turner; Sewer & Water Installer Contractor: Larry Nelson, Nelson Ditching & Excavating.

Raffle

63. No. CC090203-01 – Notice from South Dakota Ducks Unlimited of their intent to conduct a raffle, drawing to be held on September 27, 2003 at the Rapid City Peace Officers Association Club House

Planning Department Consent Items

64. No. 02PL083 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1 thru 4, Block 1, Lots 1 thru 9, Block 2, and Outlot A and Dedicated Streets, Neff Subdivision II, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 of the SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A. (DENY WITHOUT PREJUDICE)
65. No. 03PL001 – Approve the request by Dream Design International for a **Preliminary and Final Plat**, located along Cliff Drive and Miracle Place.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots A, B, C and Well Lot of Miracle Place Subdivision, formerly Lot 3, Block 15 of Canyon Lake Heights Subdivision, and a portion of the SE1/4 SE1/4, Section 8; all located in the SE1/4 SE1/4, Section 8, and the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lots A, B, C and Well Lot of Miracle Place Subdivision, formerly Lot 3, Block 15 of Canyon Lake Heights Subdivision, and a portion of the SE1/4 SE1/4, Section 8; all located in the SE1/4 SE1/4, Section 8, and the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 2nd day of September, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

66. No. 03PL026 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 and 2 of Block 12; Lots 1 thru 4 of Block 15; Lots 1 thru 10 of Block 17; and, Lots 1 thru 17 of Block 18, Red Rock Estates Phase-IV, NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Prestwick Road and Pro Street. (Approve with the following stipulations: 1) Upon submittal of a Preliminary Plat, a topographic information shall be submitted for review and approval; 2) Prior to Layout Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed; 3) Upon submittal of a Preliminary Plat, 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; 4) Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval; 5) Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for all adjacent and interior roadways. In addition, the construction plans shall show a permanent turnaround at the northern terminus of Prestwick Road or the Master Plan shall be amended to show the extension of Prestwick Road; 6) Upon submittal of the Preliminary Plat, road construction plans for Pro Street shall be submitted for review and approval. In particular, Pro Street shall be constructed with a minimum 52 foot wide right-of-way and a 27 foot wide paved surface with curb, gutter sidewalk, street light conduit, water and sewer. In addition, the construction plans shall be revised to show the extension of Pro Street to the north lot line with a temporary turnaround at the northern most terminus or a Variance to the Subdivision Regulations shall be obtained; 7) Upon submittal of the Preliminary Plat, road construction plans for Pro Court #2 shall be submitted for review and approval. In particular, Pro Court #2 shall be constructed with a minimum 49 foot wide right-of-way and a 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the cul-de-sac shall be constructed with a minimum 110 wide diameter right-of-way and a 92 foot wide diameter paved surface; 8) Upon submittal of the Preliminary Plat, the plat document shall be revised to show a 40 foot X 40 foot shared approach to Lots 4 and 5 of Block 18; 9) Prior to Preliminary Plat approval by the City Council, the section line highway located along the west lot line shall be improved to City Street Design standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated; 10) Prior to Preliminary Plat approval by the City Council, a Special Exception shall be obtained to allow Prestwick Road to be constructed as an 1,800 foot long cul-de-sac without intermediate turnarounds at 600 foot intervals or the plat document shall be revised to comply with the cul-de-sac requirements; 11) Prior to Preliminary Plat approval by the City Council, a Special Exception shall be obtained to allow Pro Court to be constructed as a 2,300 foot long cul-de-sac without intermediate turnarounds at 600 foot intervals or the plat document shall be revised to comply with the cul-de-sac requirements; 12) Prior to Preliminary Plat approval by the City Council, a Special Exception shall be obtained to allow 46 dwelling units in lieu of 40 dwelling units with

one point of access or the plat document shall be revised to comply accordingly; 13) Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 14) Upon submittal of the Preliminary Plat, 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; 15) The Uniform Fire Codes shall be continually met; 16) Prior to Final Plat approval, alternate road names for Pro Street and Pro Court #2 shall be submitted for review and approval. In addition, the plat document shall be revised to show the revised road names. 17) Prior to Final Plat approval by the City Council, the plat document shall be revised to eliminate "Phase IV" from the title. In addition, Lots 1 and 2 of Block 12 shall be re-labeled; 18) Prior to Final 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; and 19) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

67. No. 03PL052 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1-4, Block 1 and Outlot D; Lots 1-7, Block 2; Lots 1-3, Block 3, of Stoney Creek South Subdivision and Dedicated Bendt Drive and Major Drainage Easements located in the NW1/4 SW1/4 and the SW1/4 SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the S1/2 NW1/4 SW1/4 less Lots H1 and H2, Section 22, T1N, R7E; a portion of the unplatted balance of the N1/2 NW1/4 SW1/4 located south of Catron Boulevard, Section 22, T1N, R7E; a portion of the unplatted balance of the E1/2 SW1/4 less Stoney Creek Subdivision and less Lot H2, Section 22, T1N, R7E; and, a portion of the unplatted balance of the SW1/4 SW1/4 less Lot H1 and Lot P1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of Sheridan Lake Road and Catron Boulevard. (Approve the Preliminary Plat with the following stipulations and continue the Final Plat until September 15, 2003: 1) Prior to Final Plat approval by the City Council, the amendment to the Arrowhead Drainage Basin Plan shall be finalized; 2) Prior to Final Plat approval by the City Council, the plat document shall be revised to clearly delineate the major drainage easement located along the rear lot line of Lots 1 thru 4 of Block 1; 3) Prior to Final Plat approval by the City Council, the plat document shall be revised to show a utility easement for the water main located along Sheridan Lake Road; 4) Prior to Final Plat approval by the City Council, the proposed "H Lot" located along Sheridan Lake Road shall be approved by the City and filed at the Register of Deed's Office; 5) Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement located along Sheridan Lake Road and Catron Boulevard except for approved approach locations. In addition, the plat document shall be revised to show shared approach(s) along Sheridan Lake Road; 6) Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement located along the first 100 feet of Bendt Drive as it extends south from Catron Boulevard; 7) Prior to Final Plat approval by the City Council, the plat document shall be revised to show the adjacent right-of-way(s) for Sheridan Lake Road and Catron Boulevard; 8) Prior to Preliminary Plat approval by the City Council, construction plans for a bike path extending west from Bendt Drive to Sheridan Lake Road shall be submitted for review and approval. In addition, the plat document shall be revised to show the easement for the bike path; 9) Prior to Final Plat approval by the City Council, the plat document shall be revised to show the labeling of "Bendt Drive"; 10) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 11) Prior to Final Plat approval by the City Council, surety for any required subdivision

improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

68. No. 03PL068 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 10-12, Block 4; Lots 1-11, Block 17; Lots 12-22, Block 15; Lots 3-5, Block 16 of Big Sky Subdivision and dedicated Elmer Street, Aurora Drive, Carl Avenue and Major Drainage Easements located in the N1/2NW1/4SE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 SE1/4 less Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of South Pitch Drive and Elmer Street. (APPROVE the Preliminary Plat with the following stipulations and continue the Final Plat until September 15, 2003: 1) Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval; 2) Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised addressing redline comments from the City Engineering Division; 3) Prior to Preliminary Plat approval by the City Council, the revised construction plans shall be reviewed and approved by the City of Rapid City. In addition, the water and sewer plans shall be reviewed and approved by the Rapid Valley Sanitary District; 4) The Uniform Fire Codes shall be continually met; 5) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 6) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

END OF CONSENT CALENDAR

The Mayor presented No. PW081203-14, a request from the **Longview Sanitary District** to acquire water service from Rapid City in accordance with the adopted resolution. Motion was made by Kooiker, seconded by French and carried to continue this item to be heard in conjunction with Item No. 94.

Motion was made by Kooiker and seconded by Rodriguez to request staff to pursue and coordinate with the South Dakota Department of Transportation the **re-painting of a crosswalk** on 8th Street between St. Patrick Street and Cathedral Drive, and re-painting of a crosswalk at 916 Mt. View Road and installing the proper signage. French stated that she feels 8th Street needs another traffic light which should be located near the Perkins Restaurant. Even if the crosswalks are re-painted, they are difficult to see. Rodriguez stated that there is no funding to install another traffic light in this location. Hanks added that this is a state route and it would be the State's decision on whether a light can be installed at this location. Upon vote being taken, the motion carried with French voting no.

Motion was made by French, seconded by Kooiker and carried to request that staff discuss the issue of a **traffic light** on Mt. Rushmore Road (near Perkins Restaurant) with the SD Department of Transportation.

Motion was made by Kooiker and seconded by Hadley to approve No. PW082603-05 – Authorize staff to advertise for bids for Knollwood Drainage Improvements Project No. DR03-1326. Murphy questioned the scope of this project, based on the estimated cost of approximately \$100,000. Acting Public Works Director Vore explained that this project is two-fold. There is a french drain that goes through the middle of this channel and then there is a drain outside of that which drains the surrounding wetlands. Vore added that funding for this project is available as a result of deleting \$100,000 from the Southeast Connector, South Phase. This was done because it was determined that oversizing the drainage structure was not going to be necessary. Murphy noted that a lot of landscaping will have to be done in this area in order to help the water get to the French drain. Over time the ground will erode and fill in the drain which will have to be cleaned out. He added that if we have a wet season, the

drainage will fill up with water because this system is designed to drain slowly. Vore concurred, however he noted that it will be at a slope and it will drain. Last year, the city removed the silt from this drainage area and it was opened up this spring and drained. With proper maintenance, this fix will last for a long time. Rodriguez suggested that this drainage area be scheduled for annual maintenance to keep the system working. Upon vote being taken, the motion carried with Murphy voting no.

Motion was made by Rodriguez and seconded by Waugh to extend **Water Conservation Measures** to November 30, 2003. Kooiker stated that the original recommendation from Public Works staff was to extend the conservation measures for one additional month and then re-evaluate the need for additional water restrictions. It is not difficult to review the data to see if they should be extended. Substitute motion was made by Kooiker and seconded by French to extend Water Conservation Measures to September 30, 2003. Kroeger stated that the conservation is basically for yard watering and not very many people will be watering their lawns past October. Substitute motion was made by Kriebel and seconded by Kooiker to table this item. Upon vote being taken, the motion carried unanimously. Upon vote being taken, the original motion carried unanimously. Kooiker questioned the vote taken on the original motion. The motion to table the item tabled the entire matter, not just the substitute motion. City Attorney Maule concurred, noting that it was the main motion that was laid on the table, not just the amendment. The vote on the original motion was out of order and the issue of watering restrictions was tabled.

Public Hearings

The next item before the Council was No. CC090203-02, an appeal by **Knecht Home Center** of the Sign Code Board's determination relative to a sign permit application. Brian Hagg, Attorney representing Knecht Home Center requested that the City Council overturn the decision of the Sign Code Board of Appeals and allow Knechts to move their sign, along with the Albertsons Sign, 15' as a result of the widening of Omaha Street. The last 15 years, Albertsons and Knechts have shared a sign on Omaha Street which has been moved from a common area in the shopping center to the on-premise Albertsons lot. Albertsons has agreed to allow Knechts to remain on the sign, as they always have. The current city codes relating to off-premise signs was not intended for this type of situation; it was intended for the billboards in our community. Hagg requested that the City Council approve an exception or variance to the ordinance to allow Knechts to have an on-street sign. There will be a new gas station in the corner of this parking lot which will block the view of the Knechts store from Omaha Street. Asst. City Attorney Jason Green explained that the ordinance provides a direct appeal of any decision of the Sign Code Board to the City Council. Motion was made by Rodriguez and seconded by Hadley to approve the Knecht Home Center sign as applied for. Green stated that the ordinance currently requires all off-premise signs to have a sign license and also requires that when new off-premise signs are constructed, they must surrender two off-premise sign credits. These are issues that must be considered by the Council. Hanks stated that he does want to find a mechanism to allow this to occur, but by just approving it, we are breaking our own laws. Planning Director Elkins suggested that the Council consider an amendment to the Sign Code to address the issue of campus signs. In any planned development there are multiple uses that are technically off-premise, but do serve in a campus-type situation where there are multiple uses. She recommended that the Council deny the request from Knechts today and direct staff to evaluate alternative ordinance language that would address this specific situation. She added that there are other issues in the community that would fit into this same category. Kooiker moved the previous question; second by Rodriguez. Upon vote being taken, the motion carried and the question was called. Upon vote being taken, the motion to approve the Knecht Home Center sign, as applied for, carried unanimously.

Motion was made by Hadley, seconded by Waugh and carried to request that staff come back with information on **campus type signs** and submit the information to the Legal & Finance Committee within 30 days.

Planning Department – Hearings

The Mayor presented No. 03AN010, a request by Selador Ranches, Inc. for a Petition for Annexation on property located west of Red Rock Estates and north of Sheridan Lake Road. The following Resolution was introduced, read and Kooiker moved its adoption:

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS a petition signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths in value of the within described territory, contiguous to the City of Rapid City, has been filed with the City of Rapid City;
and,

WHEREAS the City Council of the City of Rapid City deems it for the best interest of the City that the within described territory be included within the corporate limits of the City and annexed thereto;

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 20.124 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

Beginning at the NW corner of Section 29, T1N, R7E, BHM, Pennington County, South Dakota; which shall be the true point of Beginning;
Thence east along the Section line a distance of 2147.50 feet; thence north a distance of 233.00 feet; thence west a distance of 2180.51 feet; thence south a distance of 233.00 feet; thence east a distance of 33.01 feet, more or less, to the true point of Beginning; lying within the SW1/4 of Section 20 and the SE1/4 of Section 19, T1N, R7E, BHM, Pennington County, South Dakota;

Beginning at the NW corner of Section 29, T1N, R7E, BHM, Pennington County, South Dakota; which shall be the true point of Beginning;
Thence south along the Section line a distance of 4000.00 feet; thence west a distance of 250.00 feet; thence north a distance of 1090.00 feet; thence east a distance of 216.99 feet; thence north a distance of 2910.00 feet; thence east a distance of 33.01 feet; more or less, to the true point of Beginning; lying within the NE1/4 and SE1/4 of Section 30, T1N, R7E, BHM, Pennington County, South Dakota;

Dated this 2nd day of September 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Waugh. The following voted AYE: Hanks, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; NO: French, whereupon said Resolution was declared duly passed and adopted.

Motion was made by Kooiker, seconded by Waugh and carried to authorize 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, pavement, sewer, and water along Lot 17R and

18 of Block 4, Fox Run Subdivision located in the NW1/4 NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the west end of Fox Run Drive. (03SR039)

The Mayor presented No. 03SV027, a request by Mike Larson for Verlyn and Cindy Bourne for a **Variance to the Subdivision Regulations to waive the requirement to pave Hidden Valley Lane as per Chapter 16.16 of the Rapid City Municipal Code** on Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located at 5511 Hidden Valley Lane. Motion was made by Kooiker and seconded by Hadley to approve the Variance. Upon vote being taken, the motion carried with Murphy voting no.

The Mayor presented No. 03PL054, a request by Davis Engineering, Inc. for Verlyn and Cindy Bourne for a **Preliminary and Final Plat** located at 5511 Hidden Valley Lane. The following resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot A and Lot B of Bourne Addition located in the SW1/4 of the SW1/4 of Section 20, T2N, R7E, BHM, formerly Lot B less the west 2 feet in SW1/4 of the SW1/4 of Section 20, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Lot A and Lot B of Bourne Addition located in the SW1/4 of the SW1/4 of Section 20, T2N, R7E, BHM, formerly Lot B less the west 2 feet in SW1/4 of the SW1/4 of Section 20, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 2nd day of September, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Hadley. The following voted AYE: Hanks, French, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; NO: Murphy, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03VR008, a request by Jaaron Johnson for a **Vacation of Right-of-Way** located at 1221 12th Street. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION OF VACATION
OF RIGHT-OF-WAY

WHEREAS it appears that a portion of the public right-of-way on a portion of the Fairview Street Right-of-Way adjoining Lot 12 in Block 31 and Lot 1 in Block 42 of Boulevard Addition,

Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1221 12th Street is not needed for public purposes; and

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

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

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

Dated this 2nd day of September, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Waugh. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

Ordinances & Resolutions

Ordinance 3960 (No. LF073003-12R) entitled An Ordinance Amending the City of Rapid City's Municipal Non-Ad Valorem Sales Tax Ordinance to Comply with the Requirements of State Law by Amending Sections 3.16.010, 3.16.020, 3.16.030, 3.16.040, 3.16.050, 3.16.060, 3.16.070, 3.16.080, 3.16.090, 3.16.100, and 3.16.110 of the Rapid City Municipal Code striking the amendments to 3.16.020, having passed the first reading on August 18, 2003, it was moved by Hanks and seconded by Rodriguez that the title be read the second time. Roll call vote was taken: AYE: Hanks, Kooiker, Murphy, Rodriguez, Waugh, Kroeger and Kriebel; NO: French and Hadley; whereupon the Mayor declared the motion passed and Ordinance 3960 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on **Ordinance 3964** (No. 03RZ025) a request by Donald Ritchie for a **Rezoning from Park Forest District to Medium Density Residential District** on Lots 1 thru 3 of Tract 9, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of the intersection of Franklin Street and First Street. Notice of hearing was published in the Rapid City Journal on August 9 and August 16, 2003. Motion was made by Hanks and seconded by Rodriguez to approve second reading of Ordinance 3964 in conjunction with the Planned Development Designation. Substitute motion was made by Kooiker and seconded by Hadley to continue this item to be heard in conjunction with the Planned Development Designation. Planning Director Elkins explained that the Planning Commission has already approved the PDD, contingent upon the rezoning being approved by the City Council. It has not been appealed, so once the rezone is approved, the PDD will be in place. Hanks noted that as a result of the PDD designation, before any development is done on this property, they have to go through the process with the Planning Commission. Elkins concurred. The PDD is a designation that is attached to property. Before any development can occur on that property, a full initial and final development plan must be submitted to the City for approval. That process requires notification to property owners and public hearings before the Planning Commission with the right of appeal of the specific design plan to the City Council. The PDD is a preliminary designation that allows the property owner to get the zoning in place. It also identifies various

issues of concern that the applicant will have to address. Density is one that has been identified on this particular property, along with access and soil stability issues. Kooiker stated that the intent of his motion is to continue this item to be heard in conjunction with the Plan that the applicant will bring forward. Elkins stated that because of the public hearing requirement, the Council must continue this hearing to a specific date. Kooiker stated that he would continue this item to October 6, 2003. Elkins stated that she has no idea when the applicant will be prepared to move forward with the development plans. Hanks asked if the motion on the floor is proper. The motion is tied to a PDD which has already been approved. Green stated that motion on the floor would be out of order because the PDD has already been approved. Kooiker withdrew his substitute motion. Substitute motion was made by Kooiker and seconded by Hadley to hear this item on October 6, 2003 in conjunction with the Initial and Final Development Plans. Roll call vote was taken: AYE: French, Kooiker, Hadley and Kriebel. NO: Hanks, Murphy, Rodriguez, Waugh, Kroeger. Substitute motion failed. 4-5. Roll call vote was taken on the original motion to approve: AYE: Hanks, Murphy, Rodriguez, Waugh and Kroeger; NO: French, Kooiker, Hadley and Kriebel. Motion carried, 5-4, however, the item was not approved because an ordinance requires six affirmative votes.

The Mayor announced the meeting was open for hearing on **Ordinance 3965** (No. 03RZ026) a request by Donald Ritchie for a **Rezoning from Park Forest District to Medium Density Residential District** on Lot 7 of Tract 9, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of the intersection of Franklin Street and First Street. Motion was made by Hanks and seconded by Rodriguez to approve second reading of Ordinance 3965 in conjunction with a PDD. Roll call vote was taken: AYE: Hanks, Murphy, Rodriguez, Waugh and Kroeger; NO: French, Kooiker, Hadley and Kriebel. Motion carried, 5-4, however, the item was not approved because an ordinance requires six affirmative votes.

The Mayor announced the meeting was open for hearing on **Ordinance 3966** (No. 03RZ027) a request by Donald Ritchie for a **Rezoning from Park Forest District to Medium Density Residential District** on Bellview Tract A of Flormann Addition, lying south of Signal Drive, City of Rapid City, Pennington County, South Dakota, Section 1, T1N, R7E, BHM, Pennington County, South Dakota, located at 424 St. Cloud Street. Motion was made by Hanks and seconded by Murphy to approve second reading of Ordinance 3966 in conjunction with a PDD. Roll call vote was taken: AYE: Hanks, Murphy, Rodriguez, Waugh and Kroeger; NO: French, Kooiker, Hadley and Kriebel. Motion carried, 5-4, however, the item was not approved because an ordinance requires six affirmative votes.

The Mayor presented **Ordinance 3968** (No. 03OA004) entitled An Ordinance Amending the Fee for Appeals to the Zoning Board of Adjustment by Amending Section 17.54.020(A) of the Rapid City Municipal Code. Kooiker suggested that this item be continued to allow the new management to provide input before it is adopted. Motion was made by Kooiker, seconded by Hanks and carried to continue this item to December 1, 2003.

Ordinance 3969 (No. LF082703-04) entitled An Ordinance Amending the Regulations of Parking within the City of Rapid City by Amending Sections 10.40.010, 10.40.020, 10.40.030, 10.40.040, 10.40.050, 10.40.100, 10.40.120, 10.40.160, 10.40.170 of Chapter 10.40 and Sections 10.44.010, 10.44.020, 10.44.040, 10.44.050, 10.44.060, and 10.44.150 of Chapter 10.44 of the Rapid City Municipal Code, was introduced. Motion was made by Hanks and seconded by Rodriguez to approve first reading, and set second reading for Monday, September 15, 2003. Substitute motion was made by Kooiker, seconded by French and carried to amend the ordinance in Section 10.40.050 by changing the word "park" to "block". The original motion to approve first reading, as amended, carried unanimously.

Ordinance 3970 (No. LF082703-05) entitled An Ordinance Amending the Renewal Fee for Class B Electrical Licenses by Amending Section 15.16.020(G), License Fees, of Chapter 15.16 of the Rapid City Municipal Code, was introduced. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 3970 was placed upon its first reading and

the title was fully and distinctly read, and second reading set for Monday, September 15, 2003.

Ordinance 3971 (No. LF082703-06) entitled An Ordinance Amending the Provisions for Failure to Pay Water Bill by Amending Section 13.04.660 of Chapter 13.04 of the Rapid City Municipal Code, was introduced. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 3971 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, September 15, 2003.

Ordinance 3973 (No. 03RZ029) a request by the City of Rapid City for Walter Linderman for a **Rezoning from No Use District to Medium Density Residential District** on the following property, was introduced: A portion of Lots 3 thru 6, Block 1 Terracita Park Subdivision, Section 13, T1N, R7E, BHM Rapid City, Pennington County, South Dakota, more fully described by metes and bounds as follows: Lots 3 thru 6, Block 1, Terracita Park Subdivision, Section 13 less a portion of the S1/2 NW1/4 SE1/4, Section 13, T1N, R7E, BHM Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwest corner of Block 27 of Robbinsdale Addition No. 10, Thence, N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 92.68 feet, to the Point of Beginning; Thence, first course: N89°42'39"E along the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, a distance of 537.51 feet, to the westerly edge of the right-of-way of Fifth Street; Thence, second course: southeasterly, along the westerly edge of said Fifth Street right-of-way, curving to the right on a curve with a radius of 1345.32 feet, a delta angel of 02°36'31", a length of 61.25 feet, a chord bearing of S16°44'21"E, and a chord distance of 61.25 feet; Thence, third course: S89°41'26"W, a distance of 554.84 feet; Thence, fourth course: N00°18'34"W, a distance of 58.94 feet, to a point on the southerly boundary of said Block 27 of Robbinsdale Addition No. 10, and the Point of Beginning; and, BEGINNING at the northwesterly corner of said Parcel of Land, said corner bears S57°50'33" E a distance of 109.85 feet from the southwesterly corner of Block 27 of Robbinsdale No. 10 which is marked by a 5/8" rebar with survey cap stamped LS 3095 said Block 27 being recorded in the Pennington County Register of Deeds Office in plat book 27, page 182, said corner being known as the true Point of Beginning; THENCE FIRST COURSE: a bearing of N89°41'26" E and a distance of 554.84 feet to an intersection with the westerly Right of Way line of Fifth Street as recorded in the Pennington County Register of Deeds Office in plat book 27, page 181; THENCE SECOND COURSE: along said Fifth Street Right of Way line along a curve with a radius of 1345.32 feet and an arc length of 288.80 feet (Chord Bearing of S09°17'06" E and a distance of 288.25 feet) to an angle point corner of said Fifth Street Right of Way line, which is marked by a 5/8" rebar with survey cap stamped LS 2652; THENCE THIRD COURSE: continuing along said Fifth Street Right of Way line a bearing of S67°58'34" W and a distance of 41.30 feet to an angle point corner of said Fifth Street Right of Way line, which is marked by a 5/8" rebar with survey cap stamped LS 2652; THENCE FOURTH COURSE: a bearing of S89°41'26" W and a distance of 561.44 feet to the southwesterly corner of said parcel of land; THENCE FIFTH COURSE: a bearing of N00°18'34"W and a distance of 300.00 feet to the Point of Beginning; Said Parcel of land contains 4.011 acres more or less. Said Parcel of land is located in the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Minnesota Street and Fifth Street; that portion lying within Lots 3 thru 6, Block 1, Terracita Park Subdivision, Section 13, T1N, R7E, BHM. Rapid City, Pennington County, South Dakota, located northeast of the intersection of Alta Vista Drive and Minnesota Street. Upon motion made by Hanks, seconded by French and carried, Ordinance 3973 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, September 15, 2003.

Ordinance 3974, (No. 03RZ030) a request by Renner & Sperlich Engineering Company for Steve Moore for a **Rezoning from Flood Hazard District to Low Density Residential District** on the following property, was introduced: A portion of Tract 2 of L-b of Lot L, of the

NE1/4 of the SW1/4, and a portion of Lot C of Lot 2 of the SE1/4 of SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Tract 2 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the southwesterly corner of Tract 4 of Lot L-b of Lot L of the NE1/4 of the SW1/4, common to the easterly edge of Right-of-Way of Creek Drive, and the Point of Beginning; Thence first course: N90°00'00"E, along the northerly boundary of said Tract 2, common to the southerly boundary of said Tract 4, a distance of 250.00 feet; Thence, second course: S00°00'00"E, a distance of 164.09 feet, to a point on the southerly boundary of said Tract 2, common to a point on the northerly boundary of Lot C of Lot 2 of the SE1/4 of the SW1/4; Thence, third course: S10°06'33"E, a distance of 203.45 feet, to a point on the northerly boundary of the south 200 feet of said Lot C; Thence, fourth course: N89°57'11"W, along the northerly boundary of the south 200 feet of said Lot C, a distance of 88.00 feet, to a point on the westerly boundary of said Lot C, common to the southeasterly corner of Lot B of Lot 2 of the SE1/4 of the SW1/4 and common to the northeasterly corner of Lot A of Lot 2 of the SE1/4 of the SW1/4; Thence, fifth course: N00°13'40"E, along the westerly boundary of said Lot C, common to the easterly boundary of said Lot B, a distance of 200.22 feet, to the northwesterly corner of said Lot C, common to the northeasterly corner of said Lot B; Thence, sixth course: N90°00'00"W, along the southerly boundary of said Tract 2, common to the northerly boundary of said Lot B, a distance of 218.05 feet, to the southwesterly corner of said Tract 2, common to the northwesterly corner of said Lot B, and common to the easterly edge of Right-of-Way of said Creek Drive; Thence, seventh course: N00°00'00"E, along the westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 123.00 feet, to the westerly corner of said Tract 2, common to a corner on the easterly edge of Right-of-Way of said Creek Drive; Thence, eighth course: N25°26'00"E, along the westerly boundary of said Tract 2, common to the easterly edge of Right-of-Way of said Creek Drive, a distance of 45.50 feet, to the northwesterly corner of said Tract 2, common to the southwesterly corner of said Tract 4, and common to the easterly edge of Right-of-Way of said Creek Drive, and the Point of Beginning, located at 1600 Creek Drive. Kooiker asked if this property was located in the hydraulic floodway. Elkins explained that portions of the property are in the floodway. The applicant is in the process of getting a Letter of Map Revision that would identify the distinction between the areas. The rezoning would apply only to those areas outside the floodway. Upon motion made by Hanks, seconded by French and carried, Ordinance 3974 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, September 15, 2003.

Legal & Finance Committee Items

Motion was made by Hanks and seconded by Rodriguez to request that the Mayor appoint a Task Force to review Proposals that have been submitted for the lease of **city property** located at 924 North Maple Avenue and 910 Wood Avenue. Shaw suggested the following individuals to serve on the Task Force: Ron Kroeger, Ray Hadley, Finance Officer, City Attorney and Rod Johnson. Kooiker stated that he feels it would put the Council in an awkward position to review the proposals and then decide to sell the property. Substitute motion was made by Kooiker and seconded by French to continue this item to the next Legal & Finance Committee meeting to allow staff to review the appraisals and bring back a report. Rodriguez spoke in favor of keeping this process moving and reviewing the proposals that have been submitted. Roll call vote was taken on the substitute motion: AYE: French, Kooiker, Kroeger and Kriebel; NO: Hanks, Murphy, Rodriguez, Waugh and Hadley. Substitute motion failed, 4-5. Substitute motion was made by Kooiker, seconded by Rodriguez and carried to amend the motion to include that the Task Force look at leasing or selling these properties, and include the membership of the Task Force as suggested by Mayor Shaw. Upon vote being taken, the original motion, as amended, carried unanimously.

Motion was made by Hanks and seconded by Rodriguez to concur with the Ordinance Review Committee and recommend that no change be made to the ordinance regarding

structures in the right-of-way. French encouraged the Council to make a change in the right-of-way ordinance to allow common sense changes when necessary. Hadley questioned why retaining walls were allowed in the right-of-way during the street reconstruction project for Hawthorne Avenue. Staff explained that the right-of-way exists for public purposes and if retaining walls are necessary during a street reconstruction project, that would be a public purpose and would be permissible. Vore concurred noting that the retaining walls were constructed for storm water control purposes. Substitute motion was made by Kriebel and seconded by French that the ordinance dealing with structures in the right-of-way be submitted to the next Public Works Committee for review. Roll call vote was taken: AYE: French, Kooiker, Hadley and Kriebel; NO: Hanks, Murphy, Rodriguez, Waugh and Kroeger. Substitute motion failed, 4-5. Roll call vote was taken on the original motion: AYE: Hanks, Murphy, Rodriguez, Waugh and Kroeger; NO: French, Kooiker, Hadley and Kriebel. Motion carried, 5-4.

Motion was made by Hanks and seconded by Waugh to recommend that Council adopt an ordinance to amend Ordinance No. 3736 to remove the **impact fee provisions**. Upon vote being taken, the motion carried with Murphy voting no.

The following Resolution was introduced, read and Hanks moved its adoption:

Resolution to Amend the AFSCME Union Compensation Wage Plan
To Establish the Positions of Solid Waste and
Material Recovery Operations Worker I, II, and III

WHEREAS a job evaluation has been conducted utilizing the Factor Evaluation System methodology to establish the city's compensation plan; and,

WHEREAS the evaluation established that the duties and responsibilities of the following positions justify placing the classifications within the named Grades of the AFSCME Union pay scale:

Job Title	Grade	Wage
Solid Waste and Material Recovery Operations Worker I	8	\$11.15 to \$16.97/hr
Solid Waste and Material Recovery Operations Worker II	11	\$12.91 to \$19.65/hr
Solid Waste and Material Recovery Operations Worker III	12	\$13.56 to \$20.63/hr

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the AFSCME Union Pay Plan by adding the above position classification descriptions at the grades recommended in the job evaluation.

Passed this 2nd day of September, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Rodriguez. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The following Resolution was introduced, read and Hanks moved its adoption:

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON ASSESSMENT ROLL FOR PROPERTY CLEANUP

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

- 1. The assessment roll for Property Cleanup was filed in the Finance Office on the 2nd day of September, 2003. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, October 6, 2003 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 a 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 2nd day of September 2003.

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Rodriguez. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The next item before the Council was No. LF082703-13 – Resolution to Establish the Non-Union Position of Accountant. Motion was made by Hadley and seconded by Kooiker to table this item. Roll call vote was taken: AYE: Kooiker and Hadley; NO: Hanks, French, Murphy, Rodriguez, Waugh and Kroeger. Motion failed, 6-2. The following Resolution was introduced, read and Hanks moved its adoption:

RESOLUTION TO ESTABLISH THE NON-UNION POSITION OF ACCOUNTANT

WHEREAS, a job evaluation has been conducted utilizing the Factor Evaluation System methodology to establish the position within the city's compensation plan; and,

WHEREAS the evaluation established that the duties and responsibilities of the following position justify placing the classification within the named Grade of the Non-Union pay scale:

Table with 3 columns: Job Title, Grade, Wage. Row 1: Accountant, 23, \$48,235 to \$73,382/year

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the Non-Union Pay Plan by adding the above position classification description at the grade recommended in the job evaluation.

Passed this 2nd day of September, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Rodriguez. The following voted AYE: Hanks, French, Murphy, Waugh, Rodriguez and Kroeger; NO: Kooiker, Hadley and Kriebel, whereupon said Resolution was declared duly passed and adopted.

Motion was made by Hanks, seconded by Rodriguez and carried to authorize Mayor and Finance Officer to Sign Roosevelt Ice Arena Ice Rental Contract with **Black Hills Figure Skating Club** (No. LF082703-11).

Motion was made by Hanks, seconded by Murphy and carried to authorize the Mayor and Finance Officer to Sign Roosevelt Ice Arena Ice Rental Contract with **Rushmore Hockey Association** (No. LF082703-12).

Motion was made by Rodriguez and seconded by Hanks to authorize the Mayor and Finance Officer to sign **Tax Increment District No. 40** Development Agreement. Kooiker spoke against the motion stating that it appears this will be a significant cost to the taxpayers. He added that this is not Section 8 housing and he doesn't feel it is low income housing. Also, significant funding has come from government sources and the developers are applying for a waiver of the impact fees for this property. Roll call vote was taken: AYE: Hanks, Murphy, Rodriguez, Waugh and Kroeger; NO: French, Kooiker, Hadley and Kriebel. The motion carried, 5-4, however, 6 affirmative votes are necessary to approve this Development Agreement. Green added that this Agreement was part of the surety that allowed the plat in Item No. 11 to be approved. He suggested that the Council reconsider action on that item.

Motion was made by Hanks, seconded by Rodriguez and carried to reconsider Item No. 11 – (No. 03PL028), a request by DLK Engineering for South Creek Village Limited Partnership for a **Preliminary and Final Plat** on Lot A and Lot B of Lot 2, Superpumper Addition, located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, Superpumper Addition located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Cambell Street and Fairmont Boulevard. Motion was made by Waugh, seconded by Rodriguez and carried to continue this item until September 15, 2003.

Acting Public Works Director Ted Vore submitted a Memorandum outlining the changes to projects that will provide funding in the amount of \$600,000 for the **East Anamosa Street Construction project**. It is proposed that the Centre Street reconstruction project, in the amount of \$600,000, be deleted and moved to the long range plan for 2008. Also, delete \$300,000 for drainage improvements to allow the East Anamosa Extension. This would be adding \$524,000 for street construction and adding \$276,000 to the water construction fund to accommodate this East Anamosa project. Motion was made by Hanks and seconded by French to approve the changes outlined by staff. Kriebel noted that these are changes to the CIP Plan. He asked if there was a notification requirement before we could take these actions. Preston stated that he has discussed this with the City Attorney before and they are asking for guidance from the City Council. If they want to schedule a public hearing in ten days for this item, that can be done. Asst. City Attorney Green concurred. Kroeger noted that there was no discussion about the action taken earlier on the Knollwood drainage project and that also was a change in the CIP Plan. Upon vote being taken, the motion to approve the changes carried unanimously.

Motion was made by Hanks, seconded by Hadley and carried to remove Item No. 48 from the table: Extend **Water Conservation Measures** to November 30, 2003. Motion was made by Hanks and seconded by Hadley to continue water restrictions until November 30, 2003. Roll call vote was taken: AYE: Hanks, French, Murphy, Rodriguez, Waugh, Hadley and Kroeger; NO: Kooiker and Kriebel. Motion carried, 7-2.

Public Works Committee Items

The next item before the Council was No. CC081803-04 - Resolution Relating to Providing Services outside the City Limits. Motion was made by Rodriguez to table this item. Motion died for lack of a second. Motion was made by Kriebel and seconded by Hadley to amend the resolution to state that we will provide services outside the city limits for 85%, just as we do for the Rapid Valley area. For clarification, Rodriguez asked if it was the intent of the motion to drop Item No. 1 on the Resolution from 150% to 85%. Kriebel stated that was correct. Rodriguez spoke against the motion that would give the residents outside the city limits a better deal than residents in the city. She added that if this action is approved, there will be no incentive for developments to be annexed into the city limits. Hanks noted that the original resolution setting the fee at 150% was one way to help these areas out when they needed assistance with utilities, but also encourage annexation when the time is right. He added that a good example is the recently developed Big Sky Subdivision. The City agreed to provide water and sewer to the development with the agreement that as the parcels are platted, they would be annexed into the city. The developer signed a Waiver of Right to Protest annexation, but now the properties have been developed and sold and those people don't want to be annexed. They already have utility services and there is no need to come into the city. If we are going to provide city services outside the city limits, it is appropriate to charge more for them, just like any other business. Hadley stated that at 85% the city is still making money for providing the service. The city is not responsible for maintenance or upkeep of the infrastructure for utilities outside the city limits. He added that there is no incentive for the people in Rapid Valley to be annexed because they are paying 85%, not 150%. Kooiker stated that the Council needs to know what the true costs are and then look at all the agreements with sanitary districts. The costs for service in these agreements should be the same. Substitute motion was made by Kooiker and seconded by Hadley to continue this item to the next Public Works Committee meeting to allow staff to bring forward the true cost of processing water and sewer. Roll call vote was taken: AYE: Kooiker and Hadley; NO: Murphy, Rodriguez, Waugh, Kroeger and Kriebel. Motion failed, 2-5. Roll call vote was taken on the original motion to reduce the amount charged for utility services outside the city limits to 85%: AYE: Hadley and Kriebel; NO: Hanks, Kooiker, Murphy, Rodriguez, Waugh and Kroeger. Motion failed, 2-6.

Motion was made by Kriebel and seconded by Hadley to direct our legal office to notify the remaining **sanitary districts** that their rates are going to 150% within the prescribed process outlined in their contracts. Kriebel withdrew the motion.

Motion was made by Kooiker and seconded by Hanks to approve the request from the **Longview Sanitary District** to acquire water service from Rapid City in accordance with the adopted resolution (No. PW081203-14). Upon vote being taken, the motion carried with Kriebel voting no.

Motion was made by Kooiker and seconded by Waugh to authorize staff to request proposals for **Elm Avenue Drainage Study** & Preliminary Storm Sewer Design Project No. DR03-1332 (No. PW082603-08). Rodriguez reported that the Consultant Selection Committee has been meeting and she anticipates that a report will be submitted to the Council next month. Upon vote being taken, the motion carried unanimously.

Motion was made by Kooiker, seconded by Rodriguez and carried to authorize staff to request proposals for the **East Mall Drive Connection**, East North Street to Dyess Avenue Project No. ST03-1334 (No. PW082603-09).

Motion was made by Hanks, seconded by Rodriguez and carried to approve No. 03FV005 – **A Fence Height Exception** for Ray Jackson to allow a six foot high fence in the front yard on Lot 1 less Lot H-1 of Una Del Acres #2, Section 21, T1N, R7E, Rapid City, Pennington County, South Dakota, located at 5504 Wildwood Drive, with the following stipulations: 1) The fence shall be located no closer than eleven feet from the east lot line as it abuts Sheridan Lake Road; 2) The existing landscaping shall be maintained between the proposed fence and Sheridan Lake Road as shown on the applicant's site plan; and, 3) The proposed treated wood fence shall not exceed six feet in height.

The next item discussed by the Council was the **Red Rocks Water Storage Reservoir**. Acting Public Works Director Ted Vore explained that the City has received a petition for annexation from the Borgmeyers for 20 acres of their property, which includes Reservoir Site "E". Elkins noted that her staff is still working on the cash flow numbers for the Tax Increment District. She added that staff has made no commitments on behalf of the City relative to the section line vacation process, and the city is not party to any agreements between the Borgmeyers and Selador Ranch, and the Red Rocks Development group. Motion was made by Hanks and seconded by Rodriguez to direct staff to continue working on this project and Site "F". Upon vote being taken, the motion carried with French voting no.

Addendum Items

Preston explained that staff has obtained the following quotes for No. CC090203-04 - Water Reclamation Facility Sludge **Pond Liner Replacement Project** No. WRF03-1329: Colorado Lining International: Base Bid \$59,600, Alt. No. 1 (\$1,500). No quotes were received from Integra Plastics, Scientific Site Construction, Inc., JC Ramsdell and Western Industries, Inc. He noted that this is an emergency purchase and the liner needs to be replaced as soon as possible to reduce the hazard to the health and safety of the community. The Council has previously declared this an emergency situation as it relates to the bidding process. Staff has reviewed the proposals and recommends award to Colorado Lining International. Motion was made by Rodriguez, seconded by Kroeger and carried to award the contract for WRF03-1329 to Colorado Lining International.

Approval of Bills

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

Payroll Paid Ending 08-31-03, Paid 08-29-03	955,084.62
Payroll Paid Ending 08-23-03, Paid 08-29-03	660,957.22
Payroll Paid Ending 08-23-03, Paid 08-29-03	717.36
Pioneer Bank, Taxes Paid 08-29-03	235,334.15
Pioneer Bank, Taxes Paid 08-29-03	163,780.25
Pioneer Bank, Taxes Paid 08-29-03	54.88
State Department of Revenue, sales tax payable	28,887.83
State Department of Revenue, sales tax payable	9,112.32
Wells Fargo Corporate Card, credit card charges	112.60
First Administrators, claims Paid 8-19-03	114,066.33
First Administrators, claims Paid 8-27-03	105,263.77
BH Power & Light, electricity	65,938.82
Humane Society of the Black Hills, subsidy	14,860.91
Lutheran Social Services, August EAP	693.33

Dr. Jack Gaines, contract services	1,550.00
Canyon lake Senior Center, subsidy	1,166.67
Minneluzahan Senior Center, subsidy	1,791.67
RC Area Economic Development, Small Business subsidy	2,083.33
RC Area Economic Development, August subsidy	14,583.33
Pennington County Auditor, detox	15,833.33
Pennington county ESCC, 2003 subsidy	48,030.50
Dahl Fine Arts Center, subsidy	4,889.17
Safety Plaza, lease	2,975.00
Dr. Kelly Manning, contract services	1,200.00
US Postmaster, billing postage	3,300.00
Computer Bill List	<u>1,781,602.96</u>
Total	<u>\$4,233,870.35</u>

Payroll Paid Ending 08-23-03, Paid 08-29-03	2,658.40
Pioneer Bank, Taxes Paid 08-29-03	201.46
City of Rapid City, postage	30.43
Marlin Leasing, copier lease	9.43
Philfleet, gasoline	<u>150.35</u>
Total	<u>\$4,236,920.42</u>

<u>Treasurers Checks</u>	
Heavy Constructors	<u>3,613.36</u>
Total	<u>\$4,240,533.78</u>

City Attorney's Report

Asst. City Attorney Jason Green stated that based on the Council's action earlier this evening to allocate funding for the **East Anamosa Street Project**, that Developer's Agreement can now be approved. Motion was made by Rodriguez, seconded by French and carried to request that staff bring this Agreement forward for discussion at the next Legal & Finance Committee meeting.

Executive Session

Motion was made by Kooiker, seconded by Rodriguez and carried to go into executive session to discuss pending litigation. The Council came out of executive session and no report was made.

As there was no further business to come before the Council at this time, the meeting adjourned at 1:30 A.M.

CITY OF RAPID CITY

ATTEST:

_____ Mayor

_____ Finance Officer

(SEAL)