

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

July 5, 2005

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, July 5, 2005 at 6:30 P.M.

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

Staff members present included Finance Officer Jim Preston, City Attorney Jason Green, Planner Vicki Fisher, Public Works Director Dirk Jablonski, Parks and Recreation Director Jerry Cole, and Administrative Assistant Jackie Gerry.

APPROVE MINUTES

Hadley moved, second by French and carried to approve the minutes of June 22 and special Council of June 22, 2005.

AWARDS AND RECOGNITIONS OF COUNCIL MEMBERS

At this time Mayor Shaw recognized Ward One Alderman Jean French and thanked her for her service to the community and presented a plaque and the following Resolution:

RESOLUTION

WHEREAS, Jean French has served as Ward One Alderman for the City of Rapid City, South Dakota since May, 2003; and

WHEREAS, Jean French has provided the citizens guidance and leadership during her tenure serving on a variety of committees during the past two years; and

WHEREAS, the City Council of Rapid City, on behalf of the citizens of Rapid City, takes this opportunity to express their gratitude and appreciation to Jean French for her dedication and commitment to service.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Rapid City, that the many accomplishments of Jean French be recognized and become a permanent part of the record of the City of Rapid City for future generations to see.

Dated this 5th day of July, 2005.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

Mayor Shaw recognized Ward Two Alderman Tom Murphy and thanked him for his service to the community and presented a plaque and the following Resolution:

RESOLUTION

WHEREAS, Tom Murphy has served as Ward Two Alderman for the City of Rapid City, South Dakota since April 26, 2000; and

WHEREAS, Tom Murphy has provided the citizens guidance and leadership during his tenure serving on a variety of committees during the past five years; and

WHEREAS, the City Council of Rapid City, on behalf of the citizens of Rapid City, takes this opportunity to express their gratitude and appreciation to Tom Murphy for his dedication and commitment to service.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Rapid City, that the many accomplishments of Tom Murphy be recognized and become a permanent part of the record of the City of Rapid City for future generations to see.

Dated this 5th day of July, 2005.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

Mayor Shaw recognized Ward Three Alderman Bill Waugh and thanked him for his service to the community and presented a plaque and the following Resolution:

RESOLUTION

WHEREAS, Bill Waugh has served as Ward Three Alderman for the City of Rapid City, South Dakota since May, 2000; and

WHEREAS, Bill Waugh has provided the citizens guidance and leadership during his tenure serving on a variety of committees during the past four years as well as serving as City Council Vice President; and

WHEREAS, the City Council of Rapid City, on behalf of the citizens of Rapid City, takes this opportunity to express their gratitude and appreciation to Bill Waugh for his dedication and commitment to service.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Rapid City, that the many accomplishments of Bill Waugh be recognized and become a permanent part of the record of the City of Rapid City for future generations to see.

Dated this 5th day of July, 2005.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

RECESS - SWEAR IN NEW COUNCIL MEMBERS AND MAYOR

Hadley moved, second by Hurlbut and carried to recess the City Council meeting at 6:50 P.M. for the purpose of swearing in the new Council members and Mayor.

Council President Ron Kroeger reconvened the City Council meeting at 7:15 P.M. and the following members were present: Mayor Jim Shaw and the following Alderpersons: Ray Hadley, Malcom Chapman, Deb Hadcock, Mike Schumacher, Ron Kroeger, Tom Johnson, Karen Olson, Sam Kooiker, Bob Hurlbut and Bill Okrepkie.

ADOPTION OF THE AGENDA

The following items were added to the agenda:

- 93.A. Suncatcher TheroPeutic Riding Academy for a special Beer and Wine License to be used on July 28, 2005 at WestMed Rehab, Inc., 318 Mt. Rushmore Road, Suite E
- 94.A. Approve Planning Commission appointments
- 95.A. Authorize Mayor and Finance Officer to sign application and acceptance of the 2005 Weed and Seed grant in the amount of \$225,000 (no local match)
- 95.B. Senate Bill 819, Alderman Schumacher
- 101.A. Authorize Mayor and Finance Officer to sign Harvesting Alfalfa/Hay Contract
- 101.B. Authorize Mayor and Finance Officer to sign an Agreement for services with Sperlich Consulting, Inc.
- 103. Raffle Procedure discussion
- 104. Executive Session to discuss pending litigation and personnel matters

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

MAYOR'S BUDGET PRESENTATION

Mayor Shaw outlined the general timetable to have the City's budget formally adopted by the Council explaining it takes two readings of an ordinance; and those readings are scheduled in September, because the final budget must be presented to Pennington County by October 1, 2005. Mayor Shaw touched on a major event that has occurred in the community and that is the future of Ellsworth Air Force Base. It was placed on the closure list by the Pentagon on May 13, 2005. The focus and goal of the effort of the Ellsworth Task Force is to keep the base off the closure list.

Mayor Shaw indicated the base closure could impact the financial future of Rapid City; and suggested it is prudent the City move forward in a fairly conservative manner in terms of its

budgeting process for 2006. Shaw indicated that in 2004, the retail segment was up approximately ten percent, as measured by the City's sales tax revenue. Tourism was up about eight to ten percent in the Rapid City and immediate area. Medical services have continued to grow as witnessed by the growth and expansion along Fifth Street. The Airport is up about ten percent in terms of passengers, and two new flights have been added – round trip to Las Vegas and round trip to Chicago.

Mayor Shaw indicated that work continues with the group called the Black Hills Vision, which is another entity formed between the area Cities, Counties, private businesses, individuals, the State all trying to help transform the economy in the Black Hills area. The idea is to help the economy grow and expand. For 125 years we have been essentially a natural resource based economy - gold mining in the Black Hills, the timber industry, and agriculture. These jobs are gone because of environmental concerns, and these jobs will not return. The Black Hills Vision effort was formed with a number of goals, but the one primary goal was developing 7,500 new jobs in the Black Hills in the next five years; mainly jobs in the high tech area and that is primarily engineering and science. The first big success is the Zyvex Corporation, who purchased a piece of equipment that does nanotechnology research. This equipment will be housed at the SDSM&T Engineering Laboratory.

Mayor Shaw outlined the specifics for the proposed budget for 2006. He suggested the municipal government budget of Rapid City is large and complex. Shaw explained there are two specific parts of the budget, one being the non-tax supported budgets for areas such as garbage, water, sewer; and the others are characterized by the fact that most receive no General Fund tax dollars for their revenue. These funds are referred to as enterprise funds that are essentially self-supporting, and are best described as individual businesses that are owned and operated by the larger conglomerate called the City of Rapid City. The other big area of the budget is the tax supported services such as public safety, police, fire, library, street repairs, snow plowing, parks and recreation, services at City Hall, planning and finance. Shaw indicated the proposed 2006 annual budget for the City of Rapid City being presented for the Council's review in the coming weeks, is the presentation of a balanced and responsible budget. Shaw explained a list of unfunded needs would be distributed, as well as the priorities established by the department directors for one-time purchases that can be considered when revenue becomes available from one-time sources. He reported there were a total of fifteen additional tax supported employees requested, but the budget does not include any of those fifteen additional employees. He suggested it maybe necessary to include some of them, but the Council should be involved in making those decisions. He also explained the budget will include four additional employees to be funded by grant revenue, with no obligation to continue their employment when grant funds are no longer available. The budget also includes progress toward implementation of the wage and compensation plan recently recommended by Condrey and Associates to be included in the various union contracts effective in 2006.

Mayor Shaw explained the budget contemplates an increase in revenue of 7.5 percent or \$2.4 Million to fund tax supported purposes. The increased revenue is due primarily to property tax realized in growth and from anticipated increases in sales tax receipts. Expenses for tax support budgets are recommended to increase 5.1 percent or \$2.1 Million. The budget does contemplate use of \$3.7 Million of the City's cash reserve; however the reserve would continue to be maintained at a level consistent with the Finance Office recommendation. Shaw indicated that when it comes to property tax, the increase in CPI is 2.6 percent and growth is anticipated at 4.3 percent; which would mean a total of increase of \$650,000 in property tax revenue. He

reported the total value in Rapid City is about \$3.4 Billion. The current City mill levy in 2004, payable in 2005, is 3.0595 or down from 3.1493 in 2003 for taxes payable in 2004. The City receives 17 percent of property tax for owner occupied and 13 percent for non-owner occupied.

ELECTION OF OFFICERS

Council President Kroeger opened the floor for nominations for Council President. Alderman Hurlbut moved to nominate Alderman Tom Johnson, seconded by Chapman. Hadley moved, second by Hurlbut and carried to cease nominations and a unanimous ballot was cast for Johnson.

Council President Kroeger opened the floor for nominations for Council Vice President. Alderman Olson moved to nominate Alderman Ron Kroeger, seconded by Chapman. Hadley moved, second by Hurlbut and carried to cease nominations and a unanimous ballot was cast for Kroeger.

The Chair called for a recess of the proceedings at 7:45 P.M. Council President Johnson reconvened the proceedings at 7:55 P.M. with all members present.

PUBLIC HEARINGS

Council President Johnson presented No. 05CA018, a request by City of Rapid City for an **Amendment to the Comprehensive Plan amending the Major Street Plan by eliminating and realigning several collector and arterial roads** on Sections 23, 24, 25, 26, 34, 35 and 36 in T1N, R7E, BHM, Pennington County, South Dakota, and Sections 19, 29, 30, 31 and 32, T1N, R8E, BHM, Pennington County, South Dakota, and Sections 1, 2, 3, 11 and 12, T1S, R7E, BHM, Pennington County, South Dakota, and Sections 5, 6, 7, 8, 17 and 18, T1S, R8E, BHM, Pennington County, South Dakota, located south of Minnesota Street, north of Spring Creek Road, east of US Highway 16 and west of SD Highway 79. Hadley moved, second by Hurlbut to approve. Substitute motion was made by Hurlbut, second by Okrepkie and carried to continue to the July 18, 2005 Council meeting.

Council President Johnson presented No. 05FV004, a request by Jena McNabb for the Rapid City Softball Association for a **Fence Height Exception to allow an eight foot high fence in the Public Zoning District** on Lot 4, Dairyland Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1625 Sedivy Lane. Hadley moved, second by Kroeger and carried to approve the Fence Height Exception with the following stipulations: 1. Prior to initiation of construction, a Building Permit shall be obtained for the fencing; and, 2. Prior to installation of any fencing, the applicant shall insure that the fencing does not interfere with any existing utilities located on the subject property.

Council President Johnson presented No. 05FV005, a request by Shawn Dockter for a **Fence Height Exception to allow a six foot high fence within the required 25 foot front yard setback** on Lot 3, Northbrook Village Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4334 Titan Drive. Hadley moved, second by Chapman and carried to approve the Fence Height Exception with the following stipulations: 1. Prior to Public Works Committee approval, a revised site plan shall be submitted showing the proposed fence located a minimum of 10 feet to the west of the east property line as it abuts West Nike Road to ensure adequate separation from the street if West Nike Road is expanded

in the future; 2. Staff is recommending that a revised site plan be submitted, for review and approval, showing a landscaping buffer between the proposed fence and West Nike Road, prior to Public Works Committee approval; 3. Prior to Public Works Committee approval, a revised site plan shall be submitted showing the proposed fence located a minimum of 10 feet to the west of the east property line so it will be located outside of the planting easement; and, 4. The finished sides of the fence shall face Haines Avenue and Country Road.

Council President Johnson presented No. 05FV006, a request by Ingrid Lindberg for a **Fence Height Exception to allow a seven foot high fence in the Low Density Residential Zoning District** on Lot 22, Block 4, South Robbinsdale, Section 7, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2422 Elm Avenue. Planner Vicki Fischer, reported staff reviewed and recommended this be denied. Fischer indicated the petitioner was not aware of the regulations and her contractor had indicated he had gotten whatever he needed from the City and built the fence. The request is the existing fence be allowed to remain as Elm Avenue is a fairly, heavily traveled roadway and serves as a neighborhood road connection between Fairmont Blvd and St Patrick Street. Ingrid Lindberg, 2422 Elm Avenue addressed the Council explained that Elm has become a very busy avenue, it is identified as a minor arterial avenue, and the fence was simply an effort to provide some privacy against the traffic. Lindberg explained her front door is 52 feet from the street and the traffic has become an issue in that you can not be in your front yard with your windows open or your doors open. She reiterated that the fence was attempt to buffer noise from the street. She indicated the neighbors have been supportive of the fence and it does not interfere with foot traffic or the traffic on the street and suggested that it improves Elm Avenue. In response to a question from Alderman Johnson, Fischer explained a 4 foot fence is allowed within the 25 foot setback. Alderman Kooiker noted the fence is nice, suggested the petitioner intended to comply with City ordinance and built the fence in good faith, and was of the opinion that this is a reasonable request. Motion was made by Kooiker to approve the Fence Height Exception to allow a seven foot high fence in the Low Density Residential Zoning District on Lot 22, Block 4, South Robbinsdale, Section 7, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2422 Elm Avenue. Second by Hadcock. Alderman Hurlbut suggested this nice fence would be more appropriate in the back yard, and suggested by granting this variance for a fence this high, this close to the street, the City is looking at a potential zoning disaster City-wide. Hurlbut indicated that no building permit was obtained. Upon a roll call vote being taken on the motion, motion carried with the following voting AYE: Hadley, Chapman, Hadcock, Schumacher, Kooiker and Okrepkie; NO: Kroeger, Johnson, Olson and Hurlbut.

Hadley moved, second by Kroeger and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, water and sewer along Country Road and W. Nike Road as they abut the Government Lot 4 less right-of-way; the unplatted portion of the SE1/4 SW1/4, the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota. (05SV012)

Council President Johnson presented No. 05SV012, a request by Dream Design International for SPF, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Freeland Meadows Subdivision, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Government Lot 4 less right-of-way; the unplatted portion of the SE1/4 SW1/4, the unplatted balance of the S1/2

SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, located north of Country Road east of West Nike Road. Hadley moved, second by Kroeger and carried to approve the Variance with the following stipulations: 1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the street improvements.

Council President Johnson presented No. 05SV035, a request by Sperlich Consulting for Lifestyle Homes, Inc. for a **Variance to the Subdivision Regulations to allow a lot twice as long as wide and to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 7A and 7B of Block 18, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 7 of Block 18, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located between the east side of Savannah Street and the west side of Reservoir Road. Hadley moved, second by Olson to approve the Variance. Substitute motion was made by Hurlbut, second by Olson that the Variance to the Subdivision Regulations to allow a lot twice as long as wide be tabled, and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved. Motion carried.

Council President Johnson presented No. 05SV036, a request by FMG, Inc. for Hart Ranch Development Co. for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to waive the requirement to install sidewalks as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 42 through 46, Village on the Green No. 2 Subdivision, located in the NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lots 42A, 42B, 43A, 43B, 44A, 44B, 45A, 45b, 46A and 46B, Village on the Green No. 2 Subdivision, located in the NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, located north of Mulligan Mile. Hadley moved, second by Hurlbut that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be approved with the stipulation that a five foot access easement shall be provided along Mulligan Mile as it abuts the subject property; and, that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks along both sides of Mulligan Mile be approved with the stipulation that an eight foot wide asphalt walking trail shall be provided along the north side of the northern tier of lots located along the golf course. Motion carried.

Council President Johnson presented No. 05SV038, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 10 through 27, Block 4 and Lots 1 through 12, Block 5, Eastridge Estates Subdivision, located in the NE1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion located in the NE1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the south side of Enchanted Pines Drive and the west side of Fifth Street. Hadley moved, second by Olson and carried to approve the Variance.

Council President Johnson presented No. 05VR004, a request by Scott Landguth for Pete Lien and Sons for a **Vacation of Section Line Highway** on the west 857.64 feet of Section Line Highway lying between the SW1/4SE1/4 of Section 17, T2N, R7E and the NW1/4NE1/4 of Section 20, T2N, R7E, all lying in BHM, Pennington County, South Dakota, located at the

northwest corner of Universal Drive and North Highway 79. Hadley moved, second by Kroeger and carried to acknowledge the applicant's request to withdrawal the application.

Council President Johnson presented No. 05VR005, a request by Fisk Land Surveying & Consulting for MJB Company, Inc. for a **Vacation of Alley Right-of-Way adjoining Lots 1 through 8 and Lots 21 through 28 of Northside Addition** on the undeveloped alley adjoining Lots 1 through 8 and Lots 21 through 28, Block 7, Northside Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 826 East Monroe Street. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION OF VACATION
OF PUBLIC RIGHT-OF-WAY OF AN UNDEVELOPED ALLEY

WHEREAS it appears that the public right-of-way adjacent to Undeveloped alley adjoining Lots 1 through 8 and Lots 21 through 28, Block 7, Northside Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 826 East Monroe Street; is not needed for public purposes; and

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

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that the public right-of-way heretofore described, and as shown on Exhibit "A", attached hereto, 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 public right-of-way in regard thereto.

Dated this 5th day of July, 2005.

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

CITY OF RAPID CITY
s/ Tom Johnson, President

The motion for adoption of the Resolution was seconded by Olson with the following stipulations: 1. Prior to City Council approval of the Vacation of Right-of-Way, a separate miscellaneous easement document shall be submitted for review and approval showing that portion of the alley right-of-way to be vacated, dedicated as a utility easement; 2. The utility easement shall be recorded with the Pennington County Register of Deeds immediately after the vacation of right-of-way exhibit is recorded; and, 3. All affected lots shall be combined with a Developmental Lot Agreement. In addition, the Developmental Lot Agreement shall be recorded at the Pennington County Register of Deeds office immediately after the utility easement exhibit is recorded. The following voted AYE: Hadley, Chapman, Hadcock, Schumacher, Kroeger, Johnson, Olson, Kooiker, Hurlbut, and Okrepkie; NO: None; whereupon said Resolution was declared duly passed and adopted.

Council President Johnson presented No. 05VR006, a request by Fisk Land Surveying & Consulting for MBJ Company, Inc. for a **Vacation of Right-of-Way** on the undeveloped Monroe Street adjoining Lots 22 through 28, Block 7, and Lots 1 through 7, Block 8, Northside Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 826 East Monroe Street. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION OF VACATION
OF PUBLIC RIGHT-OF-WAY

WHEREAS it appears that the public right-of-way adjacent to Undeveloped Monroe Street adjoining Lots 22 through 28, Block 7, and Lots 1 through 7, Block 8, Northside Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 826 East Monroe Street; is not needed for public purposes; and

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

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that the public right-of-way heretofore described, and as shown on Exhibit "A", attached hereto, 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 public right-of-way in regard thereto.

Dated this 5th day of July, 2005.

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

CITY OF RAPID CITY
s/ Tom Johnson, President

The motion for adoption of the Resolution was seconded by Hurlbut with the following stipulations: 1. Prior to City Council approval of the Vacation of Right-of-Way, a separate miscellaneous easement document shall be submitted for review and approval showing that portion of the East Monroe Street right-of-way to be vacated, dedicated as a utility easement; 2. The utility easement shall be recorded with the Pennington County Register of Deeds immediately after the vacation of right-of-way exhibit is recorded; and, 3. All affected lots shall be combined with a developmental lot agreement. In addition, the developmental lot agreement shall be recorded at the Pennington County Register of Deeds office immediately after the utility easement exhibit is recorded. The following voted AYE: Hadley, Chapman, Hadcock, Schumacher, Kroeger, Johnson, Olson, Kooiker, Hurlbut, and Okrepkie; NO: None; whereupon said Resolution was declared duly passed and adopted.

Council President Johnson presented No. 05VR007, a request by Centerline for 3 T's Land Development and Elton Eller for a **Vacation of Section Line Highway** on the NW1/4, Section 13, NE1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the western end of Middle Valley Drive and Minnesota Street. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION OF VACATION
OF PUBLIC RIGHT-OF-WAY

WHEREAS it appears that the public right-of-way adjacent to NW1/4, Section 13, NE1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western end of Middle Valley Drive and Minnesota Street; is not needed for public purposes; and

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

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that the public right-of-way heretofore described, and as shown on Exhibit "A", attached hereto, 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 public right-of-way in regard thereto.

Dated this 5th day of July, 2005.

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

CITY OF RAPID CITY
s/ Tom Johnson, President

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

LEGAL & FINANCE COMMITTEE ITEMS

Chapman moved, second by Hurlbut to table Authorize Mayor and Finance Officer to sign an easement agreement with Harold Bies and Scott Nash in the south Robbinsdale area. Motion carried with Kroeger voting NO.

Chapman moved, second by Olson to Authorize staff to seek informal quotes on design of sewer system in the south Robbinsdale area. Motion carried.

Chapman moved, second by Olson to approve No. LF062905-15, a request from the Rapid City Economic Development Foundation for appropriation of 2012 monies in the sum of \$500,000 for the business incubator facility on the South Dakota School of Mines & Technology campus. Motion carried.

Mike Diedrich, Civic Center Board President reported the City Attorney's Office advised the Board of the City Council's desire that the Board look at the Petition Policy at the Civic Center. Diedrich explained the Board reviewed and discussed the Policy extensively and looked at potential solutions. The Policy is petitions concerning issues may be circulated on Civic Center

grounds, but the circulator must remain at least fifteen feet away from main entrances of the building. He stressed that this fifteen feet from the door is on the outside of the building. Diedrich indicated the fifteen feet comes from a comfort level and discussions with the Fire Department as to the safe ingress and egress to the Civic Center building; and has been in place for the past fifteen years. He pointed out that the vestibules / foyers are very narrow, and indicated that no one is allowed to set up anything on the inside of the building within fifteen feet of the doors. Diedrich indicated that during many of the events at the Civic Center, the entire floor space including hallways and meeting rooms is leased out. He suggested the reason a governing body can regulate how petitions are circulated is related to a legitimate government interest. He explained that when you circulate a petition for signatures, you are engaging the public to stop, listen, ask questions and sign; and this impedes the flow of the foot traffic. Diedrich indicated the right to circulate petitions is not an unfettered right, it can be regulated; and the regulation has to be content neutral and it has to be narrowly tailored. Diedrich pointed out the Civic Center Policy does not address what type of petitions can be circulated. The Policy applies to them all equally. The Civic Center does not violate anything regarding the content. He indicated the narrowly tailored has to do with how you do it; you can circulate a petition all over the Civic Center property on the exterior, as long as you do not block the doorways within fifteen feet. Because the Civic Center inside is considered to be leased space and the Civic Center is charged with generating revenues for the operations of the Civic Center, Diedrich indicated the inside is not regulated. Anyone wanting to rent a booth space, for the purpose of circulating and seeking signatures on a petition is welcome to rent space. He explained that any time someone has been circulating petitions, and they have been disruptive or impeded the flow of traffic, staff has courteously advised them of the policy and the circulator has comply once they are aware of the policy. Diedrich reported the action of the Board was to add this provision to the lease; a notification to people who lease space at the Civic Center to say you can do this but people who do circulate petitions must be within your leased space or they can do it outside.

Alderman Kooiker noted the City Attorney's opinion casts a doubt on the fifteen foot rule, and there did not appear to be a firm basis for the rule. He noted smokers are allowed within a few inches or few feet of the door, and this proves the petition policy is arbitrary. He suggested the policy is inconsistent and the policy was put into place because of an apparent problem with somebody circulating a petition and they became disorderly. Kooiker explained that if someone is disorderly while circulating a petition, they can be removed from the premises because there are other laws that cover orderly conduct. He reminded everyone of the request made by Mr. Peterson, who asked the Council to consider adopting a policy to allow petitioners in designated high traffic areas in the Civic Center. Kooiker believed this is an appropriate policy to consider.

Motion was made by Kooiker, second by Hadley to direct the Civic Center to allow petitioners in the Civic Center, in designated high traffic areas, and allow the Civic Center to designate those areas and bring forward a report to the Council.

Civic Center Board President Diedrich explained it is clear that there is a distinction between smoking a cigarette outside and stopping someone at the door and engaging them in a conversation and requesting someone for a signature. He suggested while second hand smoke is an intrusion on an individual, it far from a fire safety; ingress / egress, where there is more potential to slow down or create a pedestrian traffic issue with someone circulating petitions. Alderman Hadley suggested it is bias to tell someone they have to sit outside the building. He explained the intent of the motion is not to allow a petition circulator to have access to all areas such as meeting rooms, but only have access to high traffic areas and if need be, fifteen feet

inside the doors. Alderman Chapman and Hadcock questioned whether this policy could be applied to all public City-owned facilities. Alderman Hurlbut expressed concern about setting precedence, most particularly the use of petitioning as a guise for protest, potentially confrontational protest. He suggested the existing policy is a good policy. The Chair asked for a clarification of the motion; upon which Kooiker indicated it is to direct the Civic Center to designate high traffic areas in which petitioners in the Civic Center can be allowed, and bring forward a report to the next Council meeting. Alderman Kroeger noted that while the County Commissioners allowed petitioners inside the Courthouse, they do not allow this activity at their Event Center at the fairgrounds. He indicated he is comfortable with the Civic Center policy. Alderman Olson suggested the petitioner's amendment rights are already being cared for and the Civic Center set a policy that works well for its specific public building. Alderman Johnson commented that he had hoped the Civic Center would come back with some minor policy revisions. He was of the opinion that the Civic Center would not have problems with ingress / egress for emergency issues, if the number of petitioners is limited and limit the locations where a petition circulator is allowed. Gary Brown, Civic Center Board member indicated their struggle has been the rights of people and also the rights of the people who are in the Civic Center for events and are being bothered by some individuals trying to solicit signatures and not taking No for an answer. He indicated they will take another look at the policy and will extend an invitation to the Council to attend a Board meeting.

Substitute motion was made by Schumacher, second by Hurlbut to ask the Civic Center Board to discuss, at their Thursday meeting, any potential areas and bring it back to the next Council meeting. Substitute motion carried on a roll call vote, with the following voting AYE: Chapman, Hadcock, Schumacher, Johnson, Kooiker, Hurlbut, Okrepkie, and Hadley; NO: Kroeger and Olson.

Hadley moved, second by Olson to continue the discussion on the Resolution on Indemnification to the July 18, 2005 Council meeting. Motion carried.

PUBLIC WORKS COMMITTEE ITEMS

Hadley moved, second by Hadcock and carried to refer the status report of the Meade Street drainage ditch to the July 12, 2005 Public Works Committee meeting.

Hadley moved, second by Olson and carried to (No. PW062805-06) authorize staff to advertise for bids for Tennis Courts Resurfacing Project No. PR05-1523; CIP #50538.

ORDINANCES & RESOLUTIONS

Ordinance No. 5076 (No. 05OA005), Establishing the Canyon Lake Overlay Zoning District by Adding Chapter 17.58 to Title 17 of the Rapid City Municipal Code was introduced. Upon motion made by Chapman, second by Hadley and carried, Ordinance 5076 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, July 18, 2005.

Ordinance No. 5075 (No. LF062905-08), Authorizing a Special Election in Case of a Vacancy in the Office of Mayor or Alderman by Creating Section 2.08.120 of the Rapid City Municipal Code was introduced. Upon motion made by Chapman, second by Kooiker and carried,

Ordinance 5075 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, July 18, 2005.

Ordinance No. 5078 (No. 05RZ042), a request by Sperlich Consulting, Inc. for Doeck, LLC for a **Rezoning from No Use District to Low Density Residential District** on the NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 5230 Haines Avenue was introduced. Upon a motion made by Chapman, seconded by Hadley and carried, Ordinance 5078 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 held on Monday, July 18, 2005 at 7:00 P.M.

Ordinance No. 5079 (No. 05RZ043), a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Office Commercial District** on Lot 3, Block 1, Fifth Street Office Plaza, legally described as a tract of land located in the S1/2 N1/2 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: beginning at a point from which the northeast corner of said Section 24, bears N31°57'16"E, a distance of 1105.84 feet; thence N61°16'15"W, a distance of 192.54 feet; thence S27°33'31"W, a distance of 286.44 feet; thence S62°26'29"E, a distance of 192.50 feet; thence N27°33'31"E, a distance of 282.51 feet, to the point of beginning; said tract containing 1.26 acres more or less, located on the north side of 5th Street approximately 1000 feet north of the intersection of Catron Boulevard and 5th Street was introduced. Upon a motion made by Chapman, seconded by Hadley and carried, Ordinance 5079 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 held on Monday, July 18, 2005 at 7:00 P.M.

Ordinance No. 5080 (No. 05RZ044), a request by City of Rapid City for a **Rezoning from No Use District to General Commercial District** on Lot C, NE1/4 NW1/4, and Lot X of Lot B, NE1/4 NW1/4, all of Johnson School Subdivision, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of School Drive and Elk Vale Road and adjacent to East Highway 44 was introduced. Upon a motion made by Chapman, seconded by Hadley and carried, Ordinance 5080 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 held on Monday, July 18, 2005 at 7:00 P.M.

The Council President announced the meeting was open for hearing on No. 05RZ035, second reading of **Ordinance No. 5065**, a request by City of Rapid City for a **Rezoning from Temporary Airport District to Airport District** on Lot 1 in SW1/4 Section 5 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 2 and 3 in S1/2 Section 6 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 4 and 5 in E1/2 Section 7 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot H-1 in the SE1/4 of Section 7, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 6 in NW1/4 Section 8 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 1, Lots 3, 4, 5 and 6 in the SW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 1 and 2 of the SW1/4 Section 8 and Lot 1 of SW1/4SE1/4

Section 8, all located in T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 7 of R.C. Airport Subdivision No. 1 in SW1/4, Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 6 in SE1/4 Section 8 of R.C. Airport Subdivision No. 2 in SE1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 2, Lots 2, 3, 4 & 5 in the SE1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 3, Lots 1 & 2 in the SW1/4, Section 9, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot H-1 of NW1/4, Section 16, T1N, R9E, BHM, Pennington County, South Dakota; and, All of Section 17, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 2 in SE1/4 Section 20 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, All of the N1/2 of Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot A and B of SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Section line right-of-way in the SW1/4 of Section 20 located north of Lot H-1 of Lot A in the SW1/4 of Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 3, 4, 5 & 6 in Section 21 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 5A in SW1/4SW1/4 of Section 21 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, W1/2NW1/4, NW1/4SW1/4, Pt. SW1/4SW1/4, Tracts G and H in the SE1/4NW1/4 and E1/2SW1/4, and Tract I in the SW1/4SW1/4, Section 21, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 7 and 8 in N1/2 of Section 28 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota, containing 1,719.78 acres, more or less, located at Rapid City Regional Airport. Notice of hearing was published in the Rapid City Journal on May 7, 2005 and May 14, 2005. Ordinance 5065 having had the first reading on May 2, 2005, it was moved by Chapman, second by Olson that the title be read the second time. The following voted AYE: Hadley, Chapman, Hadcock, Schumacher, Kroeger, Johnson, Olson, Kooiker, Hurlbut and Okrepkie; NO: None; whereupon the Council President declared the motion passed and read the title of Ordinance 5065 the second time.

CONTINUED ITEMS CONSENT CALENDAR – Items 27-39

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

Continue the following items until July 18, 2005:

27. No. 05AN006 - A request by Dream Design International for a **Petition for Annexation** on NE1/4 NW1/4, Section 19, T2N, R8E, BHM, Pennington County, South Dakota, located east of West Nike Road and Country Road.
28. No. 05FV003 - A request by Jon Dicks for a **Fence Height Exception to allow a six foot four inch high fence within the required 25 foot front yard setback** on Lot A of Lot 14 and the south 20 feet of Lot C of Lot 14, Acre Tract, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 430 South Canyon Road.
29. No. 05PL016 - A request by Ron Blum for Montana-Dakota Utilities Co. for a **Preliminary Plat** on Lot 1, MDU Regulator #83, located in the N1/2 Government Lot 4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 of GL3 and the N1/2 GL4 less Lots H1 & H2, Section 3,

T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of the intersection of East Anamosa Street and Elk Vale Road on the east side of Elk Vale Road.

30. No. 05PL072 - A request by Renner and Associates for Pete Lien and Sons for a **Preliminary Plat** on Lien Tract and Lot AR, Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lot A, B, and C of Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., located at the old Dog Track on North Highway 79.
31. No. 05PL086 - A request by Centerline for PLM Land Development, LLC for a **Preliminary Plat** on Lots 1 through 20 located in NE1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as property located in the NE1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Catron Boulevard and Fifth Street.
32. No. 05PL096 - A request by Sperlich Consulting for Lifestyle Homes for a **Preliminary Plat** on Lots 7A and 7B of Block 18, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 7 of Block 18, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located between the east side of Savannah Street and the west side of Reservoir Road.
33. No. 05PL100 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 through 13, Block 11; Lots 1, Block 12; Lots 3 through 8 Block 7; Lots 3 through 9, Block 6; Lots 10 through 19, Block 5, Section 28, T1N, R7E, and Section 29, T1N, R7E, Red Rock Subdivision, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 NE1/4 and the SE1/4 NE1/4, Section 28, T1N, R7E, and the NW1/4 NW1/4 and the SW1/4 NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north and west of the northern terminus of Dunsmore Road.
34. No. 05SV016 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Craig Erickson for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Crystal Dome Subdivision and dedicated right-of-way located in the E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, located south of Long View Road along Radar Hill Road.
35. No. 05SV023 - A request by Brent Pushing for a **Variance to the Subdivision Regulations to waive the requirement to pave and to reduce the surface width from 24 feet to 16 feet for Sunridge Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 4, Brentwood Subdivision, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as the S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Sunridge Road.

36. No. 05SV027 - A request by Renner & Associates for Pete Lien and Sons for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lien Tract and Lot AR, Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., legally described as Lot A, B, and C of Keller Subdivision, located in the S1/2 of SE1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., located at the old Dog Track on North Highway 79.
37. No. 05SV039 - A request by Fisk Land Surveying for Stanford Adelstein for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalks, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 3R and 5R, Ridge Park Addition No. 3, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3, 4, 6 and the north 81 feet of Lot 5, Ridge Park Addition No. 3, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located between Roosevelt Avenue and West Boulevard, north of Saint Anne Street and south of Saint Patrick Street.

Continue the following items until August 1, 2005:

38. No. 05RZ020 - A request by Sperlich Consulting for Kensington Heights LLC for a **Rezoning from Low Density Residential District to Low Density Residential - II District** on Lots 1 through 5, Block 3, Kensington Heights Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of the intersection of Davin Drive and Field View Drive.

Continue the following items until August 15, 2005:

39. No. 04PL185 - A request by Black Hills Surveying for a **Preliminary Plat** on Lots 4 and 5 of Owen Hibbard Subdivision, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, legally described as the unplatted portion of Tract A of Tract 1, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, located at the intersection of Promise Road and Golden Eagle Drive.

End of Continued Items Consent Calendar

CONSENT CALENDAR ITEMS – 40-81

The following items were removed from the Consent Calendar:

40. Approve a request from SDSM&T on behalf of the Higher Education Center, West River for an exception to Rapid City Municipal Code Chapter 12.20.030 to place a sign in the right-of-way at 515 West Boulevard.
43. Acknowledge the report on the streaming audio.
44. Acknowledge the report on the Infiltration and Inflow Study.

50. No. PW062805-05 Authorize staff to advertise for bids for Fifth Street Bridge Panel Repairs, Project No. STCM05-1466, CIP #50336.
66. No. 05TI006 Approve a request by Centerline to consider an application for a Resolution Creating Tax Increment District No. 53 on Lots 1 through 4, Block 1 and Lots 3 through 7, Block 2, all located in Stoney Creek South Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the southeast corner of Catron Boulevard and Sheridan Lake Road.
67. No. 05TI007 Approve Stoney Creek South Subdivision - a request by Centerline to consider an application for a Tax Increment District No. 53 Project Plan on Lots 1 through 4, Block 1 and Lots 3 through 7, Block 2, all located in Stoney Creek South Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the southeast corner of Catron Boulevard and Sheridan Lake Road.
69. No. LF062905-07 Authorize Mayor and Finance Officer to sign proposal documents with Automatic Vendors to provide hot drink and candy vending and amusement vending at the Roosevelt Ice Arena and the Rapid City Swim Center.
75. No. 05PL087 - A request by Dream Design International, LLC for a **Preliminary Plat** on Lots 1R and Lot 8, Block 1, Lots 1 through 8, Block 10 and dedicated street, (Red Rock Meadows Subdivision), Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as beginning at a found point on the quarter corner of Section 28 and Section 29 T1N, R7E, BHM; thence S89°59'26"E 1064.51 feet; thence S63°16'56"W 75.68 feet; thence S58°41'53"W 119.08 feet; thence S67°34'57"W 52.00 feet; thence S76°02'59"W 119.17 feet; thence S88°05'02"W 104.00 feet; thence S89°59'30"W 626.72 feet; thence N00°18'06"W 148.20 feet; to the Point of Beginning; containing 3.12 acres more or less, located at the SW1/4, Section 28, T1N, R7E, BHM, Pennington County, South Dakota, located south of the intersection of Muirfield Drive and Coghill Lane.

Chapman moved, second by Kooiker and carried to approve the following items as they appear on the consent calendar.

Public Works Committee Consent Items

41. Request the City Attorney's Office purchase materials not to exceed \$700.00 funded from Council contingency needed to prepare a recommendation for an ordinance that will most effectively address luminosity, image flashing, image change frequency, and any other issues affecting traffic safety.
42. Direct staff to look into possible options to alleviate traffic issues at Fox Run Drive and 5th Street.
45. No. PW062805-01 Acknowledge the report on the Utility System Master Plan Project, and allow the deviation from the Consultant Selection Process concerning the number of firms to be interviewed.
46. Authorize the purchase of office furniture from State Contract as needed, to be funded out of the Public Works Operating Budget.

47. No. PW062805-02 Approve the bid award of an Informal Quote for Enchantment Road Drainage Repair, Project No. DR04-1427, CIP #50596 to Tru-Form Construction for an amount not to exceed \$11,506.54.
48. No. PW062805-03 Approve Change Order No. 1F for the 2005 Street Painting Contract, Project No. PM05-1475 to United Rentals Highway Technologies, Inc. for an increase of \$299.63.
49. No. PW062805-04 Approve Change Order No. 1F for the Whitehead Ballfield Improvements Phase 3 – Irrigation, Fencing Grading and Seeding; Project No. PR04-1428, CIP #50086 to Sprinkler Guys, LLC for an increase of \$1,014.82.
51. No. PW062805-08 Authorize Mayor and Finance Officer to sign Amendment No. 1 to a Professional Services Agreement with TSP 3, Inc. for the redesign of the Chapel Lane Bridge Widening Project No. ST04-1359; CIP #50016 for an amount not to exceed \$6,607.00.
52. No. PW042605-12 Direct staff to determine the costs, benefits and feasibility of Proposed Site B of the Snow Disposal Site Alternatives.
53. No. PW062805-10 Approve Out-Of-The-Dust funds for an estimated amount of \$4,800.00 to pave a portion of an alley located in Block 116 (Original Town) between Fourth and Fifth Streets; Quincy and Columbus Streets, Project No. ST05-1522.
54. No. 05VE005 Approve with stipulations a Vacation of Drainage and Utility Easement for petitioner Dean and Marianne Neumeyer on Lot 22 R, Block 8, Knollwood Heights No.3 Revised Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1522 Brentwood Street.
55. Approve the Preliminary Rapid City Area Transportation Improvement Program (Fiscal Years 2006-2010).
56. No. PW062805-11 Approve the adoption of the Omaha Street Corridor Enhancement Project Master Plan as prepared.

Legal & Finance Committee Consent Items

57. No. LF062905-01 Acknowledge Capital Improvements Program Committee monthly update.
58. No. LF062905-02 Approve 2005 Capital Plan for Streets, Drainage and MIP Projects.
59. Approve funding the Rapid City Public Library HVAC Reconfiguration Project from the Capital Improvements Program Contingency in the amount of \$17,000.
60. No. LF062905-14 Approve the allocation of \$219 from the Parks & Recreation Contingency for the Whitehead Field Improvements.
61. No. LF062905-03 Approve Travel Request for Ken Simmons to attend AAAE – Great Lakes Chapter Annual Conference, St. Charles, IL, August 3-8, 2005, in the Approximate Amount of \$1,730.
62. No. LF062905-04 Authorize staff to advertise for bids for a Gas Chromatograph Mass Spectrometer for the Police Department
63. No. LF062905-05 Authorize Mayor and Finance Officer to sign Agreement for Emergency Response to Weapons of Mass Destruction and Hazardous Materials Incidents.
64. No. LF062905-10 Authorize Mayor and Finance Officer to sign the Sub-recipient Contract for Community Development Block Grant (CDBG) Funding between the City of Rapid City and Rapid City Community Development Corporation for an amount not to exceed \$150,000.
65. No. LF062905-11 Approve a request for preliminary City Council approval of an Amendment to the Annual Action Plan for Community Development Block Grant (CDBG)

- Funding between the City of Rapid City and the Canyon Lake Senior Citizens Center for an amount not to exceed \$8,000.
68. No. LF062905-06 Authorize City to Contract with Grant Thornton to perform 10-year updates to arbitrage calculations for City's 1995 Water Bonds and Series 1995 A&B Sales Tax Revenue Bonds at a cost of \$5,500 per issue.
70. No. LF062905-12 Authorize Mayor and Finance Officer to sign Agreement with Pennington County for Weed and Pest Management Services.
71. No. LF062905-09 Authorize Mayor and Finance Officer to sign Understanding of Extension of Agreement with Rapid City Regional Hospital.
72. No. LF062905-13 Approve Resolution Declaring Real Property Surplus.

RESOLUTION DECLARING REAL PROPERTY SURPLUS

WHEREAS, the following described property is no longer needed or useful for the City of Rapid City; and

WHEREAS, the Common Council has determined that it is in the best interests of the City that the property be declared surplus and sold.

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that the following described real property is hereby declared surplus:

Tract 1 and Tract 2 of Discovery Subdivision located in Township Two North (T2N), Range Eight East (R8E) of Section 28 of the Black Hills Meridian, Rapid City, Pennington County, South Dakota.

BE IT FURTHER RESOLVED that the City Finance Officer and all other officers and employees of the City are hereby authorized and directed to proceed with the sale of said property pursuant to the terms contained in SDCL Chapter 6-13.

Dated this 5th day of July, 2005 (nunc pro tunc to March 2, 2004).

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

CITY OF RAPID CITY
s/ Tom Johnson, President

73. Approve the following licenses: Residential Contractor: Joe Keune, Keune Construction; and Vince Geditz, Two By Four Builders LLC; Mechanical Apprentice: Keith D Bordeaux and Chris Merry; Mechanical Installer: Michael A Schmidt and Barry T Bugenhagen; Mechanical Contractor: Curt Wieman, Wieman Plumbing & Heating; and Lee Estes, Aero Sheet Metal; Plumbing Apprentice: Richard C Brown, Justin Jones, Cameron Mayer, Julian Postelnicu, Patrick Widner, and Aaron Zens; Plumbing Contractor: Mike Hackmeister, Progressive Plumbing; and Jeff Heil, Heil Mechanical Inc.; Plumber: Rob Evans, Craig Heigh, Loren A Voss, and Terry S Wlodarczyk; Trenching Journeyman: Doug McIntosh; Trenching Contractor: Tim Duda, Canyon Development, Inc.

Growth Management Department Consent Items

74. No. 04PL146 - A request by Centerline, Inc. for 3 T's Land Development LLC for a **Preliminary Plat** on Lots 11 thru 16 and Lots 31 thru 42, Minnesota Ridge Heights Subdivision, located in the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of Tract R of NW1/4 SW1/4 located in the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located 0.75 miles west of Fifth Street and Minnesota Avenue.
76. No. 05PL091 - A request by Sperlich Consulting, Inc. for Doeck LLC for a **Preliminary Plat** on Lots 18 through 26, Block 3, Auburn Hills Subdivision, a portion of land located in the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SW1/4 of the NW1/4, Auburn Hills Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the west end of Crimson Court and adjacent to Coal Bank Drive.
77. No. 05PL097 - A request by Greg Wierenga for Bruce Kulpaca for a **Layout Plat** on Lots 8, 9, 10, 11 and 12 of Block 1, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of East Oakland Street and adjacent to the east side of Merlot Drive.
78. No. 05PL098 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lot 3, Block 1, Fifth Street Office Plaza, located in the S1/2 N1/2 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the S1/2 N1/2 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to 4940 5th Street.
79. No. 05PL099 - A request by FMG, Inc. for Hart Ranch Development Co. for a **Preliminary Plat** on Lots 42A, 42B, 43A, 43B, 44A, 44B, 45A, 45b, 46A and 46B, Village on the Green No. 2 Subdivision, located in the NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lots 42 through 46, Village on the Green No. 2 Subdivision, located in the NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, located north and adjacent to Mulligan Mile.
80. No. 05PL101 - A request by Fisk Land Surveying for Stanford Adelstein for a **Preliminary Plat** on Lots 3R and 5R, Ridge Park Addition No. 3, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3, 4, 6 and the north 81 feet of Lot 5, Ridge Park Addition No. 3, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located between Roosevelt Avenue and West Boulevard, north of Saint Anne Street and South of Saint Patrick Street.
81. No. 04SE002 - A request by Daniel and Lori Smith for an **Exception to the Street Design Criteria Manual to allow access from a higher order street** on Lot 2 of Block 13, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1802 Valentine Street.

END OF CONSENT CALENDAR

The next item for discussion was to approve a request from SDSM&T on behalf of the Higher Education Center, West River for an exception to Rapid City Municipal Code Chapter 12.20.030

to place a sign in the right-of-way at 515 West Boulevard. City Attorney Green advised the Council they would need to authorize the placement of a sign in the right-of-way, as generally signs are prohibited, with the specific exception of signs for public purposes; and Council would need to grant an exception to the moratorium on the construction of new signs; whereupon Hurlbut moved, second by Olson to authorize the placement of a sign in the right-of-way at 515 West Boulevard for the Higher Education Center. Motion carried.

Chapman moved, second by Olson and carried to approve an exception to the moratorium on the construction of new signs.

City Finance Officer Preston addressed the streaming audio and indicated it would be operational soon, and would have a twenty-four hour lag-time. Responding to a question from Alderman Schumacher on archiving tapes, Preston responded that the audio tapes used by the secretaries to transcribe the minutes of the Public Works and Legal and Finance Committees are kept about two years. Alderman Schumacher moved to acknowledge the report on the streaming audio; and asked for a report on archiving audio tapes and the streaming audio media. Second by Hurlbut. Motion carried.

Public Works Director Jablonski explained that Council authorized the development of a Utility Master Plan and the utilities included are the sanitary sewer system and the water supply system. He pointed out, that specifically under the sanitary sewer portion of the study, the consultant will be required to identify areas of the City that show excessive inflow and infiltration. Based on the outcome and information from the study, staff will come before the Council with recommendations to do specific inflow / infiltration studies that will show specifically where the excessive water is coming from. Hurlbut moved, second by Olson and carried to acknowledge the report on the infiltration and inflow study.

Kroeger moved, second by Hurlbut and carried to (No. PW062805-05) authorize staff to advertise for bids for Fifth Street Panel Repairs, Project No. STCM05-1466, CIP #50336.

Kroeger moved, second by Olson and carried to (No. 05TI006) approve a request by Centerline to consider an application for a Resolution Creating Tax Increment District No. 53 on Lots 1 through 4, Block 1 and Lots 3 through 7, Block 2, all located in Stoney Creek South Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the southeast corner of Catron Boulevard and Sheridan Lake Road.

Kroeger moved, second by Olson and carried to (No. 05TI007) approve Stoney Creek South Subdivision - a request by Centerline to consider an application for a Tax Increment District No. 53 Project Plan on Lots 1 through 4, Block 1 and Lots 3 through 7, Block 2, all located in Stoney Creek South Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the southeast corner of Catron Boulevard and Sheridan Lake Road.

Kroeger moved, second by Olson and carried to (No. LF062905-07) authorize Mayor and Finance Officer to sign proposal documents with Automatic Vendors to provide hot drink and candy vending and amusement vending at the Roosevelt Ice Arena and the Rapid City Swim Center.

The Council President presented No. 05PL087, a request by Dream Design International, LLC for a **Preliminary Plat** on Lots 1R and Lot 8, Block 1, Lots 1 through 8, Block 10 and dedicated street, (Red Rock Meadows Subdivision), Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as beginning at a found point on the quarter corner of Section 28 and Section 29 T1N, R7E, BHM; thence S89°59'26"E 1064.51 feet; thence S63°16'56"W 75.68 feet; thence S58°41'53"W 119.08 feet; thence S67°34'57"W 52.00 feet; thence S76°02'59"W 119.17 feet; thence S88°05'02"W 104.00 feet; thence S89°59'30"W 626.72 feet; thence N00°18'06"W 148.20 feet; to the Point of Beginning; containing 3.12 acres more or less, located at the SW1/4, Section 28, T1N, R7E, BHM, Pennington County, South Dakota, located south of the intersection of Muirfield Drive and Coghill Lane. Hadley moved, second by Olson and carried to approve the Preliminary Plat with the revised stipulations: 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Development Service Center Division; 2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide 17 additional feet of right-of-way along Dunsmore Road or a Variance to the Subdivision Regulations shall be obtained; 3. The Exception request to allow 101 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual is hereby denied; 4. Prior to Preliminary Plat approval by the City Council, a Private Utility Master Plan shall be submitted for review and approval; 5. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 6. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits of Rapid City; 7. Prior to submittal of a Final Plat application, the plat document shall be revised to provide a non-access easement along Dunsmore Road as it abuts Lot 1, Block 10, along Muirfield Drive as it abuts Lot 8, Block 1 and Lot 8, Block 10, the first 50 feet of the corner lots along Red Angus Drive and the west 50 feet of Lot 1, Block 10. In addition, an Exception is hereby granted to reduce the separation between the Dunsmore Road/Muirfield Drive intersection and a driveway along Lot 1, Block 10 from 75 feet to 50 feet as per the Street Design Criteria Manual.; and 8. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

The Council President announced the meeting was open for hearing on the listed applications for Alcoholic Beverage Licenses to operate within the City of Rapid City, South Dakota. No public comments were made. Chapman moved, second by Hadcock and carried to close the public hearing. Chapman moved, second by Hadcock and carried to approve the following alcohol license applications.

Retail (On Sale) Liquor License Transfer

82. Catering By Marlin's Inc., dba **Marlin's Roadhouse**, 2803 Deadwood Avenue for a Retail (On Sale) Liquor License Transfer from Loretta Jo Heck dba Jo's Lounge (inactive)

Special Wine License

83. **CASA Program, 7th Circuit Rapid City** for a special Wine License to be used on July 15, 2005 at Cobbled Rue Intevieuv, 1141 Deadwood Avenue

Retail (On-Off Sale) Malt Beverage License WITHOUT Video Lottery (New)

84. Manna, Inc. dba **Roadhouse Nightclub & Grill**, 1900 N. Maple Avenue for a Retail (On-Off Sale) Malt Beverage License without Video Lottery

Retail (On-Off Sale) Malt Beverage License WITHOUT Video Lottery (Renewal)

85. Los Espinos LLC dba **LaCosta Mexican Restaurant**, 603 Omaha for a Retail (On-Off Sale) Malt Beverage License without Video Lottery

Retail (On-Sale) Wine License

86. Manna, Inc. dba **Roadhouse Nightclub & Grill**, 1900 N. Maple Avenue for a Retail (On-Sale) Wine License

Retail (On-Off Sale) Malt Beverage License with Video Lottery (Renewal)

87. High Plains Securities, Inc. dba **Down Under Sports Bar**, 504 Mt. Rushmore Road for a Retail (On-Off Sale) Malt Beverage License with Video Lottery (In-active)

Set for Hearing (July 18, 2005)

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

Retail (On-Off Sale) Malt Beverage License WITHOUT Video Lottery (Renewal)

88. Dakota Fresh-Mex, LLC dba **Qdoba Mexican Grill**, 741 Mountain View Road for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
89. Habaneros of Texas, Inc. dba **Hotexas BBQ**, 5412 South Hwy 16 for a Retail (On-Off Sale) Malt Beverage License without Video Lottery

Retail (On-Off Sale) Malt Beverage License WITHOUT Video Lottery (Transfer)

90. Brandt Cherry dba **Wing & It**, 5412 South Hwy 16 for a Retail (On-Off Sale) Malt Beverage License without Video Lottery Transfer from Habaneros of Texas, Inc. dba Hotexas BBQ
91. Ron J. Stevens and Sandy K. Thornburg dba **Executive Golf Course**, 200 12th Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery Transfer from Waneta & Dick Ragels
92. Ron J. Stevens and Sandy K. Thornburg dba **Meadowbrook Grill & Pub**, 3625 Jackson Blvd. for a Retail (On-Off Sale) Malt Beverage License without Video Lottery Transfer from Waneta & Dick Ragels

Retail (On-Sale) Wine License (Transfer)

93. Ron J. Stevens and Sandy K. Thornburg dba **Meadowbrook Grill & Pub**, 3625 Jackson Blvd. for a Retail (On Sale) Wine License Transfer from Waneta & Dick Ragels

Special Beer and Wine License

- 93.A. **Suncatcher TheroPeutic Riding Academy** for a special Beer and Wine License to be used on July 28, 2005 at WestMed Rehab, Inc., 318 Mt. Rushmore Road, Suite E

ITEMS FROM THE MAYOR

Public Works Director Jablonski distributed a 2012 Report; whereupon Hadley moved, second by Hurlbut and carried to acknowledge the distribution of the report. Alderman Kroeger reported the Council's Committee on 2012 continues to review the projects, and indicated letters are being mailed scheduling interviews with the groups. Kroeger suggested recommendations should be made to the Council in August.

Hadley moved, second by Hurlbut and carried to approve the re-appointment of Mel Prairie Chicken, Ida Marie Fast Wolf, Ethan Schmidt and Mike LeMay to the Rapid City Planning Commission.

ITEMS FROM COUNCIL MEMBERS/LIAISON REPORTS

Council President Johnson presented No. CC070505-01, Update on the .16% sales tax bonding process and review / consideration of the bonding costs. City Finance Officer Preston reminded the Council of their approval of a Resolution on May 16, 2005 relating to this bond issue. Preston indicated the issuance of bonds would not to exceed \$19 million; the maturity dates are not to exceed 11 years; the average interest rate yield is not to exceed four percent per year; the retention of Dougherty & Co. LLC as underwriter at an underwriter's discount is not to exceed .75%; retention of Dorsey & Whitney LLP as bond and disclosure counsel; and retention of First National Bank in Sioux Falls as trustee. The average coupon will be in the neighborhood of 3.58 percent, and the amount will be approximately \$15 Million to \$16 Million as the coverage they require is 1.5 instead of 1.25. Alderman Kooiker suggest that in light of the uncertainties surrounding the BRAC process, which has created a higher bonding cost for the City, it would be wise for the Council to stop the bonding process for now and bring forward the item for further consideration after the BRAC process is completed. He indicated it would be a wise use of taxpayer resources to hold off on this process until some of those uncertainties are cleared up. Motion was made by Kooiker to stop the bonding process for the .16% sales tax increase and bring forward the item for further consideration at the first Legal and Finance Committee meeting in November. Second by Schumacher.

City Finance Officer Preston indicated the underwriters have met their obligation and also incurred some costs, and the City would be expected to pay those costs. Also, as far as the bonding rate, staff is confident that the City can get it below the four percent. Alderman Johnson suggested it would be a mistake on the City's behalf to move backwards at a time when you want to create jobs; and when you want to expand the community. He suggested it is the wrong thing to do, to stop what effective tool you have; and this .16% is an effective tool to move along development to help developers, to help create jobs and the like. The increased cost of bonding is fairly insignificant and a lot of times you find in bonding, before you put the money to work, you draw interest on the interest you are paying. Alderman Olson suggested it is important for the City to send a positive message in terms of what we view the future of our community. Responding to questions from Alderman Okrepkie, Alderman Johnson responded that this increase will generate money to establish a fund for both water and sewer, which allows the City to get out in front of development and solve some of the particular problems we have for advancing development. Johnson explained that presently the City does not have a pot of money sitting around that puts in trunk lines which facilitates getting the water and sewer out to the developments. He suggested it also gives us the opportunity to charge developers the true cost of development. Johnson explained that this fund will allow the City to spur development; allow the City to essentially cost out the full cost of oversizing; and essentially put some speed on development in the community. Public Works Director Jablonski indicated that delaying the

bonding process will stop a number of projects. Upon a vote being taken on the motion, motion failed with Kooiker voting YES.

Kroeger moved, second by Hadcock and carried to authorize the Mayor and finance Officer to sign the application and acceptance of the 2005 Weed and Seed Grant in the amount of \$225,000 (no local match).

Alderman Chapman addressed Senate Bill 819, Pactola Reservoir Reallocation Authorization Act of 2005 questioning the costs and benefits associated with this legislation. Public Works Director Jablonski explained this is a collaborative effort with the Bureau of Reclamation and the City of Rapid City and has been on-going for thirteen years. Jablonski indicated this legislative was proposed in Congress by Senator Daschle; and since that time Senator Johnson has sponsored this legislation with support from Senator Thune and Representative Herseth. Jablonski explained this legislation places additional water rights under the authority of Rapid City. Alderman Kroeger indicated the City has been working on this issue for a long time and it is getting closer to reality. Motion was made by Kooiker, second by Schumacher asking to hear a summary report at the July 26, 2005 Public Works Committee meeting. Motion carried.

BID AWARDS

The following companies submitted bids for No. CC070505-02, Skyline Drive Water Main Extension Project No. W04-1439 / CIP No. 50575 opened June 29, 2005: Highmark, Inc., Quinn Construction and Mainline Contracting. Staff reviewed the bids and recommends all bids be rejected, and authorize staff to re-advertise for bids for Skyline Drive Water Main Extension Project No. W04-1439 / CIP No. 50575; whereupon Hadley moved, second by Chapman and carried to approve staff recommendation.

The following companies submitted bids for No. CC070505-02, Enhanced Corrosion Inhibited Liquid Magnesium Chloride for Streets Division opened June 30, 2005: EnviroTech Services, Inc. and Z & S Dust Control. Staff reviewed the bids and recommends award to Z & S Dust Control. Hadley moved, second by Chapman to approve the bid award of Enhanced Corrosion Inhibited Liquid Magnesium Chloride for Streets Division to the lowest responsible bidder meeting specifications, Z & S Dust Control for the low unit price bid for a total contract amount of \$20,500.00. Upon a concern being voiced by Alderman Okrepkie, a substitute motion was made by Okrepkie to refer the bid award to the July 12, 2005 Public Works Committee meeting. Second was made by Olson. Motion carried.

The following companies submitted bids for No. CC070505-02, Sodium Chloride for Streets Division opened June 30, 2005: Nebraska Salt & Grain Co. and Tri-State Commodities. Staff reviewed the bids and recommends award to Nebraska Salt & Grain Co. Motion was made by Okrepkie, second by Chapman and carried to refer the bid award to the July 12, 2005 Public Works Committee meeting.

The following companies submitted bids for No. CC070505-02, Paper Refuse Bags for Solid Waste Operations Division opened June 30, 2005: Duro Standard Products Co., Inc. Staff reviewed the bid and recommends award to Duro Standard Products Co., Inc. Kroeger moved, second by Olson and carried to approve the bid award of Paper Refuse Bags for Solid Waste Operations Division to the sole responsible bidder meeting specifications, Duro Standard

Products Co., Inc. for the low unit price bid for printing on two (2) sides for a total contract amount of \$19,220.00; and extend the contract for 2006, 2007 and 2008.

APPROVAL OF BILLS

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

Payroll Paid Ending 06-11-05, Paid 06-17-05	718,726.52
Payroll Paid Ending 06-30-05, Paid 06-30-05	1,043,934.93
Payroll Paid Ending 06-25-05, Paid 07-01-05	735,073.11
Payroll Paid Ending 06-11-05, Paid 06-17-05	2,474.40
Payroll Paid Ending 06-25-05, Paid 07-01-05	2,474.40
Pioneer Bank, Taxes Paid 06-17-05	173,780.69
Pioneer Bank, Taxes Paid 06-30-05	260,335.07
Pioneer Bank, Taxes Paid 07-01-05	177,042.21
Pioneer Bank, Taxes Paid 06-17-05	159.12
Pioneer Bank, Taxes Paid 07-01-05	159.65
First Administrators, claims paid 06-15-05	97,724.79
First Administrators, claims paid 06-22-05	92,699.03
First Administrators, claims paid 06-29-05	164,347.70
Pennington County Auditor, PSB Constr & Parking	25,644.09
Black Hills Power & Light, electricity	74,938.08
South Dakota Municipal League, Elected Officials Workshop	40.00
Wells Fargo Corporate Card, credit card charges	147.68
Montana Dakota Utilities, gas	7,136.08
United States Postmaster, postage	2,400.00
Computer Bill List	<u>2,884,285.97</u>
Subtotal	\$6,463,523.52
Payroll Paid Ending 06-11-05, Paid 06-17-05	2,440.80
Payroll Paid Ending 06-25-05, Paid 07-01-05	2,440.80
Pioneer Bank, Taxes Paid 06-17-05	186.72
Pioneer Bank, Taxes Paid 07-01-05	186.72
City of Rapid City, postage	15.10
CIMA Companies, auto liability insurance	941.30
Marlin Leasing, copier lease	4.55
SD Retirement System, June pension	<u>292.90</u>
Subtotal	\$6,470,032.41
United Rentals Highway Technologies, Inc., change order	<u>299.63</u>
Total	\$6,470,332.04

PUBLIC WORKS DIRECTOR'S ITEMS

Kroeger moved, second by Schumacher and carried to (No. CC070505-04) approve the bid award of an Informal Quote for Herman Street Drainage Improvements Project DR02-1519 to

the lowest responsible bidder meeting specifications, Warax Excavating, Inc. for the low unit prices bid for a total contract amount of \$1,938.00

Kroeger moved, second by Olson and carried to Authorize Mayor and Finance Officer to sign Harvesting Alfalfa/Hay Contract with Steve Becker in the amount of \$18,001, and extend the contract for 2006 and 2007.

Olson moved, second by Hadcock and carried to Authorize Mayor and Finance Officer to sign an Agreement for services with Sperlich Consulting, Inc. to design a sewer force main through Phase I of Brookfield Subdivision for an amount not to exceed \$7,500.00.

RAFFLES

Kroeger moved, second by Olson and carried to Acknowledge a request from the Greater South Dakota Chapter of the Muscular Dystrophy Association to conduct a raffle, August 6 – 12, 2005 for a Harley Davidson 2006 Softail Springer.

Upon a request from City Attorney Green on raffle procedures, Olson moved, second by Kooiker and carried to direct the City’s Attorney’s Office to place the acknowledgement of requests to approve raffles on the Legal & Finance Committee agendas.

CITY ATTORNEY’S ITEMS

Kroeger moved, second by Olson and carried to go into Executive Session at 10:31 P.M. to discuss pending litigation and personnel matters. The Council came out of Executive Session at 10:43 P.M. with all members present.

Hadley moved, second by Hadcock and carried to direct the City Attorney’s to bring an interpleader action regarding off-premise sign credits, claimed by Lamar Outdoor Advertising and Herman Jones.

As there was no further business to come before the Council at this time, the meeting adjourned at 10:44 P. M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)