

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
October 20, 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 Monday, October 20, 2003 at 7:00 P.M.

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

Staff members present included Finance Officer Jim Preston, Public Works Director Ted Vore, Planning Director Marcia Elkins, Asst. City Attorney Jason Green, Police Chief Craig Tieszen, Fire Chief Gary Shepherd, Engineering Division Manager Dan Coon, and Administrative Assistant Jeri Lynn.

Approval of Minutes

Motion was made by Hanks, seconded by Rodriguez and carried to correct the minutes of August 26, 2003 to show the correct Project Number for the Arrowhead Basin Detention Pond, Element 302, as DR01-1126; and **approve the minutes** of October 6, 2003.

Adoption of Agenda

The following changes were made to the agenda:

- Remove Item Nos. 65 and 66 from the Consent Calendar and put them after Agenda Item No. 73. They require a public hearing.
- Add Rex Conrad – Flags & Wheels sign issue
- Add Report from the Mayor on Undoing Racism Task Force

Motion was made by Rodriguez, seconded by Hanks and carried to **approve the agenda**, with the changes noted above.

General Public Comment

Rex Conrad from **Flags & Wheels** asked that the Council make a determination that the sign he would like to construct along Main Street, on property adjacent to Flags & Wheels, is an on-premise sign. He explained that these lots are all contiguous and considered one parcel of land for tax purposes. Conrad added that he previously had a sign along Omaha Street which was taken down because of the street reconstruction project. Documents were submitted to the Council showing the property in question. Asst. City Attorney Jason Green explained that the Council has adopted a process for reviewing applications for on and off premise signs. He recommended that the applicant follow the process set out in ordinance for these issues. That process would require an application to the Building Inspection Department for the sign he wants to construct. If the application is denied, he can appeal to the Sign Code Board of appeals and then to the City Council. Green added that it would not be proper for the Council to act on a request for an exemption to the sign code outside of the process that has been adopted. Motion was made by Kooiker and seconded by French that the Council finds that this property is one conveyable lot and therefore this would be an on-premise sign. Murphy spoke against the motion and encouraged the Council to review all the facts on this issue. He added that this issue was referred to the Ordinance Review Committee which has not yet submitted a recommendation. Kroeger stated that he doesn't feel the Council should make a decision tonight on whether this property is one contiguous lot. However when a business

owner loses a sign because of public construction, he should be able to replace it. He encouraged Conrad to go through the approved process for this issue. Hadley stated that Conrad did appeal to the Sign Code Board of Appeals, but did not continue the appeal within seven days to the City Council. He added that Conrad will have to make application for a sign permit through the Building Inspection Department. Roll call vote was taken: AYE: Hanks, French, Kooiker, Waugh, Hadley, Kriebel and Partridge; NO: Murphy, Kroeger and Rodriguez. Motion carried, 7-3.

Bob Wall appeared before the Council relative to comments made by a Council member at the October 6th Council meeting. His name was linked, along with the City Finance Officer, to a joint effort to gerrymander the recent re-districting of the City of Rapid City. The charge by a member of the City Council goes beyond insulting, offensive, reckless and false, but into the reprehensible and the slanderous. The re-districting was done according to law and with full approval of the City Council. Wall requested that the Council member responsible for the comments make a public apology to him and the City Finance Officer. He added that it has always been his intention to serve this city as an upstanding citizen who can hold his head high for the work that has been done for this city.

Bid Opening

The following company submitted a bid for No. CC102003-01 – Paper Refuse Bags for Solid Waste Operations Division, which was opened on October 9, 2003: 1) Duro Standard Products Company, Inc. Motion was made by Rodriguez, seconded by Waugh and carried to award the bid for **Paper Refuse Bags** for Solid Waste Operations to Duro Standard Products Company, Inc., the only bidder, in the amount of \$0.28 per bag, with the option to extend the contract through calendar years 2004, 2005 and 2006.

Items from the Mayor

Mayor Shaw presented the **Veteran of the Month Award** to Jan Leitos and commended him for outstanding service to the country.

Shaw also presented **Certificates of Recognition** to the following city employees and commended them for outstanding service to the community: Stanley Kanard, 25 years; Kay Rippentrop, 35 years.

Mayor Shaw also invited the community to attend the **Undoing Racism Task Force meeting** which is scheduled for Saturday, November 1, 2003 at 10:00 A.M. The purpose of the meeting is the re-energize the effort in the community to undo racism.

Items from Council Members/Liaison Reports

Motion was made by Kooiker, seconded by Hanks and carried to refer the topic of **Closed Captioning** of council videos to the Mayor's Committee for People with Disabilities for further consideration.

Continued Items Consent Calendar – Items 5-30

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

Continue the following items until November 3, 2003:

5. 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.

6. 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.
7. No. 03CA023 - A request by Renner and Sperlich Engineering Company for 16 Plus LLP for an **Amendment to the Comprehensive Plan to change the future land use designation on a 12.3 acre parcel of land from General Agriculture to General Commercial** on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning and less the east 400 feet Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the U.S. Highway 16 and Moon Meadows Road.
8. No. 03CA026 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on a 3.67 acre parcel of land from Planned Unit Development to Medium Density Residential with a Planned Residential Development** on a previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More particularly described as follows: Beginning

at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26, this being the TRUE POINT OF BEGINNING; thence N89°18'29"W 500.00 feet; thence N00°41'31"E 250.00 feet; thence N89°18'29"W 151.22 feet; thence N00°41'31"E 356.77 feet; thence S46°19'54"E 890.09 feet to the Point of Beginning; said parcel containing 3.67 acre more or less, located south of Catron Boulevard and east of U.S. Highway 16.

9. 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.
10. 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.
11. 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.
12. 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.
13. No. 03PL052 - A request by Dream Design International, Inc. for a **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.
14. 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.

15. 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.
16. No. 03PL068 - A request by Dream Design International, Inc. for a **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.
17. 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.
18. No. 03PL084 - A request by Renner & Sperlich Engineering Co. for Eldene Henderson for a **Preliminary and Final Plat** on Lot 7R and Lot 8R of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 7 and Lot 8 of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along North Haines Avenue.
19. No. 03PL086 - A request by Dream Design International, Inc. for Coca-Cola Bottling Company of the Black Hills for a **Preliminary and Final Plat** on Lots 1 and 2 of Lot B of Tract 12 of S.G. Interstate Plaza Subdivision located in the S1/2 of the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Tract 12 of S.G. Interstate Plaza Subdivision located in the S1/2 of the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Coca Cola Lane on North Plaza Drive.
20. No. 03PL088 - A request by Dream Design International, Inc. for Sally Broucek for a **Preliminary and Final Plat** on Lots 1 thru 10 of Block 1 and Lots 1 thru 19 of Block 2 of Stoneridge Subdivision located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the W1/2 of the S1/2 of Government Lot 4 located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Parkview Drive.
21. No. 03RZ038 - 2nd Reading - A request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **Rezoning from No Use District to General Commercial District** on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the

NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.00 acres more or less, located northwest of the U.S. Highway 16 and Moon Meadows Road.

22. No. 03RZ040 - 2nd Reading - A request by Dream Design International, Inc. for a **Rezoning from No Use District to Medium Density Residential District** on a previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26, this being the POINT OF BEGINNING; thence N89°18'29"W 697.03 feet; thence N01°18'09"E 142.76 feet; thence along a curve to the left having a radius of 526.00 feet through a central angle of 21°19'55" with an arc length of 195.84 feet, a chord bearing of N09°21'48"W and a chord length of 194.71 feet along said curve; thence N20°01'46"W 210.75 feet; thence along a curve to the left having a radius of 893.51 feet through a central angle of 10°56'23" with an arc length of 170.60 feet, a chord bearing of N64°30'03"E and a chord length of 170.34 feet along said curve; thence S46°19'54"E 890.09 feet to POINT OF BEGINNING; said parcel containing 5.57 acres more or less, located south of Catron Boulevard and east of U.S. Highway 16.
23. 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.
24. 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.

25. No. 03SV032 - A request by Dream Design International, Inc. for Coca-Cola Bottling Company of the Black Hills for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Plaza Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Lot B of Tract 12 of S.G. Interstate Plaza Subdivision located in the S1/2 of the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Tract 12 of S.G. Interstate Plaza Subdivision located in the S1/2 of the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Coca Cola Lane on Plaza Drive.
26. No. 03SV035 - A request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement on the section line highway and to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.00 acres more or less, located northwest of the U.S. Highway 16 and Moon Meadows Road.
27. No. 03SV036 - A request by Dream Design International, Inc. for Sally Broucek for a **Variance to the Subdivision Regulations to allow lots twice as long as wide and to waive the requirement to install curb, gutter, sidewalk, street light conduit,**

water, sewer and pavement along the well access easement as per Chapter 16.16 of the Rapid City Municipal Code on Lot 7, Block 1, and Lots 15, 16 and 17, Block 2, Stoneridge Subdivision, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Parkview Drive.

- 28. No. 03SV037 - A request by Gary and Connie Janzen for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks and street light conduit on Plateau Lane as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 6 and 7 and the 30 foot x 150 foot private drive, all of Lot 10, Gilmore Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2517 Plateau Lane.

Continue the following items until November 17, 2003:

- 29. 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.
- 30. 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.

End of Continued Items Consent Calendar

Alcoholic Beverage License Applications

This was the time set for hearing on the application of **Black Hills Barbershop Chorus**, for a special malt beverage license to be used on October 25, 2003 at the Knights of Columbus Hall, 910 Fifth Street. Upon motion made by Hanks, seconded by Rodriguez and carried, the Council approved the application.

This was the time set for hearing on the application of Waneta & Dick Ragels dba **Executive Golf Course**, 200 Twelfth Street, for an On-Off Sale Malt Beverage License Transfer. Upon motion made by Hanks, seconded by Rodriguez and carried, the Council approved the application.

Upon motion made by Hanks, seconded by Waugh and carried, the Finance Officer was directed to publish notice of hearing on the application of Patricia Weaver dba **Gas N Snax**, 418 Knollwood Drive, for an Off-Sale Liquor License Transfer, said hearing to be held on Monday, November 3, 2002.

Consent Calendar Items – 34-73

The following items were removed from the Consent Calendar:

- 45. Acknowledge the report on the Mt. Rushmore Road, St. Patrick to Cathedral Drive traffic study discussion.

50. No. 03VE013 – Approve with stipulations a Vacation of Utility Easement for Jason Renken on Lot 12, Eden Gardens Addition, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2709 Eden Lane.
64. No. CC102003-03 - Approve Resolution Declaring Real Property Surplus, Establishing Its Fair Market Value, Setting the Terms of Sale, and Authorizing Its Sale.
72. No. 03PL096 - A request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Layout Plat** on the NE1/4 NW1/4 NW1/4 GL 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located approximately 660 feet to the east of the Parkview Drive terminus.
73. 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.

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

Public Works Committee Consent Items

34. Acknowledge the report on the Infiltration into City's sewer system.
35. Request staff to send a formal notification to Federal Beef Corporation to begin cleanup of their fire damaged property.
36. Request staff to prepare the construction easements and any other documents necessary to implement the plan approved in the Tax Increment District; and any other documents necessary to proceed with the grading of the 5th Street Extension.
37. No. PW093003-02 – Approve Change Order No. 01F for Canyon Lake Northshore Improvements Project No. PR02-1201 to Dean Kurtz Construction Company for an increase of \$5,972.
38. No. PW093003-05 – Approve Change Order No. 01F for Black Hills Polo & Soccer Grounds Parking and Sidewalk Project No. PR03-1265 to J & J Asphalt Company for an increase of \$9,635.23.
39. No. PW101403-01 – Approve Change Order No. 01F for Parks Miscellaneous Improvements Project No. PR03-1275 to Patino Construction Services for an increase of \$607.30.
40. No. PW101403-02 – Approve Change Order No. 01 for Dyess Avenue Water System Construction Project No. W99-845 to Heavy Constructors, Inc. dba Excavating Specialists for an increase of \$43,829.00.
41. No. PW101403-03 – Authorize staff to advertise for bids for Heidiway Lane Sanitary Sewer Extension Project No. SS01-1061.
42. No. PW101403-05 – Authorize Mayor and Finance Officer to sign Amendment No. 03 to Professional Service Agreement with Kadrmas, Lee & Jackson, Inc. to design Haines Avenue North from Northridge Drive to Viking Drive Project No. SSW02-1242 & P1669 (26) for an amount not to exceed \$1,572.58.
43. No. PW101403-06 – Approve Resolution to Set Time and Place for Hearing on November 17, 2003 for Assessment Roll for Block 7 Alley Paving (Boulevard Addition) Project No. ST03-1269.

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON
ASSESSMENT ROLL FOR
BLOCK 7 ALLEY PAVING (BOULEVARD ADDITION)
PROJECT NO. ST03-1269

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

1. The assessment roll for Block 7 Alley Paving (Boulevard Addition) Project ST03-1269 was submitted to the Finance Office on the 20th day of October, 2003. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, November 17, 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 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 20th day of October, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

44. No. PW101403-07 – Approve Resolution to Set Time and Place for Hearing on November 17, 2003 for Assessment Roll for Block 16 Alley Paving (Wise Addition) Project No. ST03-1278.

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON
ASSESSMENT ROLL FOR
BLOCK 16 ALLEY PAVING (WISE ADDITION)
PROJECT NO. ST03-1278

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

1. The assessment roll for Block 16 Alley Paving (Wise Addition) Project ST03-1278 was submitted to the Finance Office on the 20th day of October, 2003. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, November 17, 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 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 20th day of October, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 46. Request the Mayor to appoint 3-5 Council members to a steering committee to address a Storm Water Program.
- 47. No. PW101403-08 – Approve a Resolution Establishing Fees for Grave Spaces and Cemetery Services.

**RESOLUTION ESTABLISHING FEES FOR
GRAVE SPACES AND CEMETERY SERVICES**

BE IT RESOLVED by the City Council of the City of Rapid City that the following rates are hereby established from and after January 1, 2004.

Opening and Closing Costs:

| | |
|---|----------|
| Infant or Small Grave | \$190.00 |
| Over-sized Infant | 385.00 |
| Adult or regular Grave | 510.00 |
| Cremain Grave | 190.00 |
| Surcharge for Saturday Opening or Closing | 150.00 |
| Monument Setting Fee | 30.00 |

Disinterment:

Within Cemetery: Three times regular opening and closing cost.
Removal from Cemetery: Twice regular opening and closing cost.

Grave Space Costs:

| | <u>Pre-Need</u> | <u>As-Need</u> |
|--------------------|-----------------|----------------|
| Single Adult Grave | \$ 478.00 | \$ 510.00 |
| Double Stack Grave | 588.00 | 630.00 |
| Cremain Grave | 236.00 | 252.00 |
| Infant Grave | 190.00 | 190.00 |
| Over-sized Infant | 385.00 | 385.00 |

Dated this 20th day of October, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 48. Concur with the action of the Parks and Recreation Subcommittee, in that Founders Park is the preferred site for improvements, with the understanding that no construction could proceed until such time as additional information is submitted to the Parks and Recreation Subcommittee and their recommendation is forwarded to the Council.

- 49. Approve a request to purchase parts to replace auger in 627E auger scraper in the amount of \$25,000 from sole source provider, Westech of Casper, Wyoming.
- 51. No. 03VE014 – Approve a Vacation of Utility and Minor Drainage Easement for Scott Craig for Jul-Mar Development located at 2237 Minnewasta Drive.

RESOLUTION OF VACATION OF UTILITY AND MINOR DRAINAGE EASEMENT

WHEREAS it appears that a portion of the utility easement on Lot 6, Block 1, Skyview North Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2237 Minnewasta Drive is not needed for public purpose; and

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

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

Dated this 20th day of October, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 52. No. 03VE015 – Approve a Vacation of Utility Easement for Fisk Land Surveying & Consulting Engineers for James W. Olson located at 1611 Sheridan Lake Road.

RESOLUTION OF VACATION OF UTILITY EASEMENT

WHEREAS it appears that a portion of the utility easement on Tract 1 less the west part of Tract 2, Boulevard Office Park, Section 3, T1N, R7E, Rapid City, Pennington County, South Dakota more generally described as being located at 1611 Sheridan Lake Road is not needed for public purpose; and

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

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

Dated this 20th day of October, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 53. No. 03TP012 – Approve Eglin Street Corridor Study Executive Summary and Final Report.

- 54. Request staff to prepare a letter for the Mayor’s signature addressed to the ISO organization.
- 55. Request the Mayor to appoint a committee to review the fees and rates for the sewer and water utilities.

Legal & Finance Committee Consent Items

- 56. No. LF101503-01 – Approve the a resolution stating that the original video of Council proceedings will be filed in the Mayor’s office with one or more copies placed at the library for public use.

RESOLUTION

WHEREAS, the meetings of the Rapid City Common Council are electronically recorded on videotape; and

WHEREAS, those videotapes are currently stored in the Mayor’s office; and

WHEREAS, it is the desire of the Rapid City Common Council to make available to the public a copy of said videotaped meetings.

NOW, THEREFORE, BE IT RESOLVED that the original videotape of the City Council meetings will be retained in the Mayor’s Office. One or more copies of the videotaped minutes will be placed at the Rapid City Public Library for use by the public.

Dated this 20TH day of October, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 57. Approve Travel Request for Kevin Miller and Wayne Asscherick to attend Police Executive Research Form Training in San Diego, California, in November in the approximate amount of \$2,500.
- 58. No. LF101503-05 – Authorize Mayor and Finance Officer to enter into Agreement with South Dakota Department of Transportation to allow for the exchange of road centerline data and allow the South Dakota Department of Transportation to publish the road centerline data with the approved attributes in their public domain statewide roadway dataset.
- 59. No. 03TP013 – Authorize Mayor and Finance Officer to sign Agreement with SRF Consulting Group, Inc. for the 2004-2008 transit development plan update in an amount not to exceed \$65,986.
- 60. No. 03TP014 – Authorize staff to advertise a Request for Proposals for the Airport Neighborhood Area Future Land Use Plan.
- 61. No. 03TP015 – Authorize Staff to advertise a Request for Proposals for the Southeast Connector Neighborhood Area Future Land Use Plan.
- 62. No. LF101503-02 – Approve Resolution Declaring Property Surplus.

RESOLUTION DECLARING PROPERTY SURPLUS

WHEREAS the below-described property is no longer necessary, useful or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes, including disposal, sale, transfer to other government agency, or trade-in on new equipment:

Solid Waste Operations

40 – 2 cubic yard steel rear loader dumpsters

4 – 3 cubic yard steel rear loader dumpsters

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 20th day of October, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 63. No. CC102003-02 - Approve Resolution Canceling Checks or Warrants not Presented for Payment within Two Years of Date of Issuance.

RESOLUTION CANCELING CHECKS OR WARRANTS NOT PRESENTED FOR PAYMENT WITHIN TWO YEARS OF DATE OF ISSUANCE

WHEREAS SDCL 9-23-21 authorizes the governing body, by resolution, to cancel any check or warrant not presented for payment within two years of the date of issuance;

NOW, THEREFORE, BE IT RESOLVED that the checks described in Appendix A, totaling \$5,418.19, which have not been presented for payment within two years from the date of issuance, be canceled:

Dated this 20th day of October, 2003.

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

- 67. Approve waiving skate rental fee for Roosevelt Park Ice Arena Halloween party to be held on October 31, 2003.
- 68. No. LF101503-03 – Approve Travel Request for Jason Green to attend Advanced Employment Law and Litigation Seminar in Washington, D.C. from December 3-7, 2003, in the approximate amount of \$2,546.
- 69. Approve the following licenses: Electrical Apprentice: Trinity R. Bullinger, Jerry Michael Chytka, Aaron Lillebo, Robert Ruffatto; Electrical Contractor: Shawn Wiechmann, Wiechmann Electric; Pigeon Loft: Jacob Miller; Plumber: Michael Delaney, Shane Devine, Jacob Kerns; Plumbing Apprentice: James Haynes, Gary D. Merritt.

Planning Department Consent Items

- 70. No. 03PL094 - A request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **Preliminary and Final Plat** on Lot 2, Moon Ridge Subdivision, located in the NE1/4 of the SE1/4, Section 34, T1N,R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 2 of Pioneer Subdivision located in the NE1/4 of the SE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington

County, South Dakota, located northwest of the U.S. Highway 16 and Moon Meadows Road. (CONTINUE TO NOVEMBER 17, 2003)

71. No. 03PL095 - A request by Gary and Connie Janzen for a **Layout Plat** on property legally described as Lots 6 and 7 and the 30 foot x 150 foot private drive, all of Lot 10, Gilmore Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2517 Plateau Lane. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of the Preliminary Plat, the plat document shall be revised to provide ten additional feet of right-of-way along Plateau Lane; 2) Upon submittal of the Preliminary Plat, road construction plans for Plateau Lane shall be provided. In particular, the road construction plans shall show Plateau Lane with a 27 foot wide paved surface, curb, gutter and sidewalk or a Variance to the Subdivision Regulations shall be obtained; 3) Upon submittal of the Preliminary Plat, the plat document shall identify all easements. In particular, the 30 foot wide sanitary and sewer easement and the five foot wide Hawthorn Irrigation Ditch easement located along the south lot line shall be identified. In addition all utility and drainage easement(s) shall be identified; 4) Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; 5) Upon submittal of the Preliminary Plat, a plat document showing a title and road name(s) shall be submitted for review and approval; 6) Upon submittal of the Preliminary Plat, a structural site plan shall be submitted for review and approval; 7) Prior to Preliminary Plat approval by the City Council, a Variance shall be obtained from the Pennington County Board of Adjustment to reduce the minimum required 25 foot front yard setback if required as determined by the structural site plan; and 8) 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 next item discussed was the report on the Mt. Rushmore Road, St. Patrick to Cathedral Drive, **traffic study** discussion. French noted that the issued discussed by the Public Works Committee was whether or not the city could install a pedestrian demand light at the intersection of Mt. Rushmore Road and Meade Street. Motion was made by French and seconded by Hanks to request that the State Department of Transportation prepare a cost estimate for a pedestrian demand light at this intersection. Hanks stated that he feels the motion should be to request that staff begin a dialogue with the SD DOT to see if this is a viable option. French changed her motion to state: Begin a dialogue with the Department of Transportation concerning the potential for a pedestrian demand light at this intersection. Roll call vote was taken: AYE: Hanks, French, Kooiker, Murphy, Hadley and Kriebel; NO: Rodriguez, Waugh, Kroeger and Partridge. Motion carried, 6-4.

The Mayor presented No. 03VE013, a request for a Vacation of Utility Easement for Jason Renken on Lot 12, Eden Gardens Addition, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2709 Eden Lane. Growth Management Director Elkins explained that the revised easement document has not been submitted. She requested that the item be continued. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until November 30, 2003.

The Mayor presented No. CC102003-03, a Resolution Declaring Real Property Surplus, Establishing Its Fair Market Value, Setting the Terms of Sale, and Authorizing Its Sale. Asst. City Attorney Jason Green explained that state law requires that the property be appraised. This can be accomplished by the Board of Freeholders which is included in the proposed resolution. He added that the Freeholders do have the option to contact a real estate agent in an attempt to determine the value of the property. Also, the City can dispose of the property by selling to the highest bidder, or listing the property with a real estate agent. Kooiker

suggested that the property be listed for sale with a real estate agent. Also, the Council should approve the final sale of the property. The following Resolution was introduced, read and Kooiker moved its adoption, with the stipulation that the Council approve the final sale of the property:

RESOLUTION DECLARING REAL PROPERTY SURPLUS,
ESTABLISHING ITS FAIR MARKET VALUE,
SETTING THE TERMS OF SALE, AND AUTHORIZING ITS SALE

WHEREAS the following described property is no longer needed or useful for the City of Rapid City.

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

Lots Twenty-four (24) through Thirty-eight (38), Block Nine (9), Millard Subdivision, Rapid City, Pennington County, South Dakota (912 Wood Avenue), and

W 10' of Lot 15 and all of Lots 16-18, Block 24 Nowlin & Wood Subdivision, Rapid City, Pennington County, South Dakota (924 North Maple Avenue)

BE IT FURTHER RESOLVED that Ron Kroeger, Ray Hadley and Marcia Elkins, real property owners of the City of Rapid City, are hereby appointed to appraise the fair market value for said property.

BE IT FURTHER RESOLVED that the City of Rapid City intends to dispose of this parcel of land by selling it through a licensed real estate agent; and

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

Dated this 20th day of October, 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 French. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Partridge; NO: Kriebel; whereupon said Resolution was declared duly passed and adopted.

Motion was made by Hanks, seconded by Rodriguez and carried to continue No. 03PL096, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Layout Plat** on the NE1/4 NW1/4 NW1/4 GL 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located approximately 660 feet to the east of the Parkview Drive terminus, until November 3, 2003.

The Mayor presented No. 03PL081, a request by Fisk Land Surveying & Consulting Engineers for Canyon Lake Church of God for a **Preliminary and Final Plat** located at 1829 Hillsvie Drive. The following Resolution was introduced, read and Hanks moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 1 and 2 of HillsvieW Subdivision No. 2 and dedicated right-of-way, formerly all of Lot 1 of the SW1/4 SW1/4 of Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, less Lots H1 and H2 of said Lot 1 of the SW1/4 SW1/4, Section 4, T1N, R7E, BHM, located in the SW1/4 SW1/4, Section 4, 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 1 and 2 of HillsvieW Subdivision No. 2 and dedicated right-of-way, formerly all of Lot 1 of the SW1/4 SW1/4 of Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, less Lots H1 and H2 of said Lot 1 of the SW1/4 SW1/4, Section 4, T1N, R7E, BHM, located in the SW1/4 SW1/4, Section 4, 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 6th day of October, 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, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

Motion was made by Hanks, seconded by Rodriguez and carried to authorize the allocation of \$60,000 from the 2003 CIP Roof Replacement line item and \$19,250 from the CIP Contingency Fund to the **Library Air Handling/AC Project**.

Motion was made by Kroeger, seconded by Waugh and carried to allocate \$95,000 from the 2003 CIP Contingency Fund for design of the **East Mall Drive Project** from East North Street to Dyess Avenue.

Planning Department – Hearings

The Mayor presented No. 03SV038, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk street light conduit, water, sewer and pavement along Elm Street as per Chapter 16.16 of the Rapid City Municipal Code** on the NE1/4 NW1/4 NW1/4 GL 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located approximately 660 feet to the east of the Parkview Drive terminus. Motion was made by Kooiker, seconded by Waugh and carried to continue this item until November 3, 2003, at the applicant's request.

Ordinances & Resolutions

Ordinance 3934 (No. 03OA002) entitled An Ordinance Regulating Storage and Parking of Trucks, Trailers and Commercial Vehicles by Amending Chapter 10.40 of the Rapid City Municipal Code to Include a New Section 10.40.200, was introduced. Motion was made by Hanks and seconded by Waugh to approve first reading and set second reading for Monday, November 3, 2003. Elkins explained that the biggest item that was changed since this issue was discussed previously was the removal of limitations on advertising. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Partridge; NO: Kriebel, whereupon the Mayor declared the motion passed.

The Mayor announced the meeting was open for hearing on No. 03RZ037, second reading of **Ordinance 3983**, a request by Renner and Sperlich for Doeck, LLC for a **Rezoning from No Use District to Medium Density Residential District** on the following property: A portion of the NW1/4 of the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the southwest corner of Lot 11 of Block 6 of Auburn Hills Subdivision, and the Point of Beginning; thence, first course: S00°12'10"W, along a 1/16 Section Line of Section 13, a distance of 59.68 feet, to the Southwest 1/16 Section Corner of said Section 13; thence, second course: S89°42'30"W, along the 1/16 Section Line of said Section 13, a distance of 1319.48 feet, to the South 1/16 Section Corner common to Sections 13 and 14; thence, third course: N00°02'42"E, along the 1/16 Section Line common to Sections 13 and 14, a distance of 430.21 feet; thence, fourth course: easterly, curving to the right on a curve with a radius of 474.00 feet, a delta angle of 09°57'36", an arc length of 82.40 feet, a chord bearing of N85°13'22"E, and a chord distance of 82.29 feet, to a point of tangency; thence, fifth course: S89°47'50"E, a distance of 632.92 feet, to a point of curve; thence, sixth course: easterly, curving to the right on a curve with a radius of 274.00 feet, a delta angle of 30°10'33", an arc length of 144.31 feet, a chord bearing of S74°42'34"E, and a chord distance of 142.65 feet, to a point of tangency; thence, seventh course: S59°37'17"E, a distance of 178.46 feet, to a point of curve on the southerly edge of the right-of-way of Auburn Drive; thence, eighth course: easterly, along the southerly edge of the right-of-way of said Auburn Drive, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 30°27'47", an arc length of 173.33 feet, a chord bearing of S74°51'10"E, and a chord distance of 171.29 feet, to a point of tangency; thence, ninth course: N89°54'56"E, along the southerly edge of the right-of-way of said Auburn Drive, a distance of 66.02 feet, to a point of curve; thence, tenth course: easterly, along the southerly edge of the right-of-way of said Auburn Drive, curving to the right on a curve with a radius of 274.00 feet, a delta angle of 17°26'22", an arc length of 83.40 feet, a chord bearing of S81°21'53"E, and a chord distance of 83.08 feet, to the northwesterly corner of said Lot 11 of Block 6 of Auburn Hills Subdivision; thence eleventh course: S00°12'10"W along the westerly boundary of said Lot 11 of the Block 6 of Auburn Hills Subdivision, a distance of 183.43 feet, to the southwesterly corner of said Lot 11 of Block 6 of Auburn Hills Subdivision, and the Point of Beginning; said parcel contains 11.564 acres more or less, located at the intersection of Chalkstone Drive and Auburn Drive. Notice of hearing was published in the Rapid City Journal on September 20 and September 27, 2003. Ordinance 3983, having had the first reading on September 15, 2003, it was moved by Hanks and seconded by Waugh that the title be read the second time. The following voted AYE; Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3983 the second time.

Ordinance 3985, Supplemental Appropriation No. 5 for 2003 (No. LF100103-12R), having passed the first reading on October 6, 2003, it was moved by Hanks, and seconded by Kroeger that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3985 was declared duly passed upon its second reading.

Ordinance 3986 (No. 03OA006) entitled An Ordinance Authorizing Administrative Approval of Certain Plats by Adding Section 16.08.035 to the Rapid City Municipal Code, having passed the first reading on October 6, 2003, it was moved by Hanks, and seconded by Kroeger that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3986 was declared duly passed upon its second reading.

Ordinance 3987 (No. LF100103-20) entitled An Ordinance Establishing the Approved Meeting Minutes as the Official Journal of the Rapid City Common Council by Adding Section 2.08.110 to the Rapid City Municipal Code, having passed the first reading on October 6, 2003, it was moved by Hanks, and seconded by Kroeger that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3987 was declared duly passed upon its second reading.

Ordinance 3991 (No. CC100603-03) entitled An Ordinance to Amend the Regulation of Adult Oriented Businesses Within the City of Rapid City by Amending Section 17.50.186 of the Rapid City Municipal Code, having passed the first reading on October 6, 2003, it was moved by Hanks, and seconded by French that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3991 was declared duly passed upon its second reading.

Ordinance 3992 (No. LF101503-04) entitled An Ordinance Eliminating the Position of Director of Golf within the Department of Parks and Recreation by Amending Section 2.89.050 and Subsection (B)(2) of Section 2.89.060 of the Rapid City Municipal Code, was introduced. Upon motion made by Hanks, seconded by Partridge and carried, Ordinance 3992 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 3, 2003.

Ordinance 3993 (No. LF100103-18R) entitled An Ordinance Amending the Capital Improvements Committee Operating Procedures by Amending Section 3.16.090 of the Rapid City Municipal Code, was introduced. Motion was made by Hanks and seconded by Waugh to approve first reading. Kriebel stated that we don't know what will happen in the future that may require use of these funds. Ordinances are not flexible which could create problems if a deadline is missed. French expressed concern about the language in the ordinance that would allow the committee members to choose an alternate "from their area" of representation. She also suggested that membership on the CIP Committee rotate so that individuals who are not up for re-election are the ones on the committee. Substitute motion was made by Rodriguez, seconded by Partridge and carried to refer this ordinance back to the Legal & Finance Committee for continued discussion.

Ordinance 3994 (No. 03RZ039) a request by Dream Design International, Inc. for a **Rezoning from No Use District to General Commercial District** on the following property, was introduced: A previously unplatted parcel of land in the SW1/4 of the N1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; thence S72°37'41"W along a non-visual line, 1200.17 feet to the TRUE POINT OF BEGINNING; thence N09°37'30"E 863.62 feet; thence along a curve to the left having a radius of 893.51 feet through a central angle of 13°26'11" with an arc length of 209.54 feet, a chord bearing of N76°41'20"E and a chord length of 209.06 feet along said curve; thence S20°01'46"E 210.75 feet; thence along a curve to the right having a radius of 526.00 feet through a central angle of 21°19'55" with an arc length of 195.84 feet, a chord bearing of S09°21'48"E and a chord length of 194.71 feet along said curve; thence S01°18'09"W 519.62 feet; thence N88°41'51"W 440.00 feet to the TRUE POINT OF

BEGINNING; said parcel containing 7.26 acres more or less, located south of Catron Boulevard and east of U.S. Highway 16. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 3994 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, November 3, 2003 at 7:00 P.M.

Ordinance 3995 (No. 03RZ041) a request by Dream Design International, Inc. for a **Rezoning from No Use District to Low Density Residential District** on the following property, was introduced: A previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Beginning at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; this being the TRUE POINT OF BEGINNING; thence S02°00'56"W 1325.99 feet; thence N87°48'27"W 680.57 feet; thence N01°18'09"E 1307.89 feet; thence S89°18'29"E 697.03 feet to the Point of Beginning; said parcel containing 20.82 acres more or less, located south of Catron Boulevard and east of U.S. Highway 16. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 3995 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, November 3, 2003 at 7:00 P.M.

Ordinance 3996 (No. 03RZ042) a request by Dream Design International, Inc. for a **Rezoning from No Use District to Office Commercial District** on the following property, was introduced: A previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Beginning at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; thence S72°37'41"W along a non-visual line, 1200.17 feet to the TRUE POINT OF BEGINNING; thence S88°41'51"E 440.00 feet; thence S01°18'09"W 931.03 feet; thence N87°48'27"W 440.05 feet; thence N01°18'09"E 924.20 feet to the TRUE POINT OF BEGINNING; said parcel containing 9.37 acres more or less, located south of Catron Boulevard and east of U.S. Highway 16. Upon motion made by Hanks, seconded by French and carried, Ordinance 3996 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, November 3, 2003 at 7:00 P.M.

Ordinance 3997 (No. 03RZ043) a request by FMG, Inc. for Bill Freytag for a **Rezoning from No Use District to Low Density Residential II District** on the following property, was introduced: A tract of land located in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the northwest corner of Lot 9 of Block 1 of Tyler Knue Subdivision in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence, N00°16'55"E a distance of 77.12 feet, more less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more less, to a point; Thence N00°27'37"E a distance of 121.67 feet, more or less, to a point; Thence N45°26'14"E a distance of 159.30 feet, more or less, to a point; Thence S44°33'46"E a distance of 12.36 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00 feet and an arc length of 57.47 feet, more or less, to a point; Thence N45°57'12"E a distance of 54.45 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00 feet and an arc length of 47.61 feet, with a cord bearing S71°38'36"E and a distance of 47.46 feet, more or less, to a point; Thence N14°08'42"E a distance of 198.01 feet, more or less, to a point; Thence N04°06'06"E a distance of 200.01 feet, more or less, to a point, said point being on the north line of Section 24, T2N, R7E, BHM; Thence N89°40'38"W a distance of 403.23 feet, more or less, to a point, said point being a 2" pipe marking the northwest corner of Section 24, T2N, R7E, BHM; Thence S00°27'40"W a distance of 664.08 feet, more or less, to a point, said point being the northwest 1/16 corner of Section 24, T2N, R7E, BHM; Thence

S89°43'05"E a distance of 676.34 feet, more less, to the Point of Beginning, located along Nicole Street. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 3997 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, November 3, 2003 at 7:00 P.M.

Ordinance 3994 (No. 03RZ044) a request by FMG, Inc. for Bill Freytag for a **Rezoning from Mobile Home District to Low Density Residential II District** on the S1/2 NW1/4 NW1/4 less Tyler Knue Subdivision, Section 24, T2N, R7E, unplatted, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Nicole Street, was introduced. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 3994 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, November 3, 2003 at 7:00 P.M.

Legal & Finance Committee Items

Motion was made by Hanks and seconded by Waugh to request that the City Attorney's Office draft an ordinance amendment authorizing the City Finance Officer to add **annexed areas** to wards and precincts without an ordinance change. French stated that she feels the responsibility of putting newly annexed areas into the proper ward and precinct should stay with the Mayor and City Council. Preston explained that the reason this item was brought up is because of the time frame to pass an ordinance amendment that would put newly annexed areas into a ward and precinct. It was suggested at the Legal & Finance Committee meeting that a map be drawn which would show what ward a property would be added to if it was annexed. That would give the Council more information. Hanks amended his motion to include a map to be approved by the City Council, as an attachment, dictating which ward annexed land would go into. Kooiker stated that he felt this action would create a new set of problems for the city and newly annexed areas relative to referendum issues. The current system is working fine and should not be changed. Roll call vote was taken: AYE: Hanks, French, Murphy, Rodriguez, Waugh, Kroeger, Partridge; NO: Kooiker, Hadley and Kriebel. Motion carried, 7-3.

Public Works Committee Items

Motion was made by Kooiker, seconded by Rodriguez and carried to approve No. PW090903-11 – Authorize Mayor and Finance Officer to sign a Professional Service Agreement with Ferber Engineering Company, Inc., to design **East Mall Drive** from East North Street to Dyess Avenue Project No. SSW03-1334 for an amount not to exceed \$91,345.

The next item before the Council was No. PW093003-01, a request by Dave Semerad, 3724 Morningview Drive for an **Exception to the City design standards** regarding sewer service connection to sewer main; and granting an easement for a sewer service extension across the Rapid City Fire Department property. Semerad presented maps of the area and indicated where the existing utility easement is located. He explained that when his house was built in 1952, the sewer and water went across the property which is now the location of the Westside fire station. Semerad explained that he must get two exceptions to the city design standards. First, to the 3 ½ foot minimum depth requirement. Where the utility crosses between the house and the fire station, there is a concrete drain pad. The sewer line will have to be as close to that as possible. Secondly, an exception to the slope. Semerad stated that they would like to leave the sewer line in its current location because it is gravity flow. He also submitted cost estimates to have the sewer line in the present location, compared to moving it to Morningstar Drive. The cost difference to put the line in a new location was substantial because of the need for a pump. Semerad stated that he feels the existing easement gives him the right to put the sewer line here which is also the location of the water line. Asst. City

Attorney Jason Green stated that he has reviewed the deed that was provided as well as the plats of this property and he feels that the easement does exist in favor of Mr. Semerad's property. Green added that the existence of the line is allowed by easement, however, once there is a need to replace that line, if the city's design standards require something different, the city has the ability to require compliance with the design standards. Motion was made by Waugh and seconded by Hadley to approve the request by Dave Semerad, 3724 Morningview Drive, for an exception to the City design standards regarding sewer service connection to sewer main; and grant an easement for a sewer service extension across the Rapid City Fire Department property. Green stated that the easement exists at this time so the second part of the motion is not necessary. Waugh deleted that part of the motion granting an easement. Hadley concurred. Hanks asked if the City could hold Semerad responsible for any damage done to city property during the construction of this sewer line (trees, sod, etc.). Green stated that the deed that reserved the easement was not specific as to any responsibility, therefore, it is his opinion that it would be Mr. Semerad's responsibility to restore the property to its condition prior to any construction. Murphy asked if this would prevent the city from expanding the fire station in the future. Chief Shepherd stated that it could impact any expansion to the west, however he does not anticipate any expansion at this station in the near future. Public Works Director Vore stated that the line being replaced must be repaired according to city design standards and pressure tested so that it is definitely not leaking. Green stated that the action before the Council at this time refers only to the sewer line issue. If there is a problem with the water line in the future, it will have to be addressed separately at that time. Kooiker stated that his understanding of the motion is to approve an exception to the design standards in terms of the connection location only. Green concurred, noting that all other standards must be met. Upon vote being taken, the motion to approve the request carried unanimously.

Motion was made by Kooiker, seconded by Rodriguez and carried to approve No. PW101403-09 – Approve the purchase of one (1) new current model year ½ ton, 4x4, **extended cab, short box pickup** from Beck Motors, Pierre for a total purchase price of \$19,046 under State Contract #14070 for the Utility Maintenance Division.

Approval of Bills

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

| | |
|---|----------------|
| Payroll Paid Ending 10-04-03, Paid 10-10-03 | 595,344.75 |
| Payroll Paid Ending 10-04-03, Paid 10-10-03 | 116.01 |
| Pioneer Bank, Taxes Paid 10-10-03 | 141,356.98 |
| Pioneer Bank, Taxes Paid 10-10-03 | 8.87 |
| Berkley Risk Administrators, September claims | 16,087.57 |
| First Administrators, claims Paid 10-07-03 | 99,721.08 |
| First Administrators, claims Paid 10-15-03 | 129,883.54 |
| 1 st National Bank, Sioux Falls, SRF Payment, interest | 93,407.21 |
| BH Power & Light, electricity | 35,164.98 |
| L-3 Communications Corp., 2002 Grant, 13 displays | 32,874.84 |
| L-3 Communications Corp., 2003 Grant, 13 displays | 15,176.00 |
| L-3 Communications Corp., 2003 Grant, 26 Printers & arm rests | 16,189.97 |
| L-3 Communications Corp., 2003 Grant, warranty, keyboard | 3,470.00 |
| Pennington County Auditor, PSB construction, parking structure | 66,164.21 |
| US Postmaster, billing postage | 2,200.00 |
| Computer Bill List | 3,954,788.08 |
| Total | \$5,201,954.09 |
| Payroll Paid Ending 10-04-03, Paid 10-10-03 | 2,618.20 |

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| Pioneer Bank, Taxes Paid 10-10-03 | 191.80 |
| City of Rapid City, health insurance | 699.88 |
| City of Rapid City, postage | 5.02 |
| Dakota Business Center, copier maintenance | 17.52 |
| First Administrators, Section 125 fee | 4.25 |
| Marlin Leasing, copier lease | 12.95 |
| SD Retirement System, pension | 280.42 |
| SD School of Mines, telephone | 52.35 |
| Standard Life, insurance | 7.92 |
| Total | <u>\$5,205,844.40</u> |
| | |
| <u>Treasurers Checks</u> | |
| Heavy Constructors | 137,403.96 |
| Total | <u>\$5,343,248.36</u> |

City Attorney's Report

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

As there was no further business to come before the Council at this time, the meeting adjourned at 9:30 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)