

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
January 5, 2004

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, January 5, 2004 at 7:00 P.M.

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

Staff members present included Finance Officer Jim Preston, Growth Management Director Marcia Elkins, 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 and seconded by Waugh to **approve the minutes** of December 15 and December 29, 2003. Kooiker stated that on December 15 there was discussion regarding re-districting and adding newly annexed areas into the city. Kooiker stated that he feels the questions and answers pertaining to Wards 4 and 5 should be added to the minutes. Substitute motion was made by Kooiker, seconded by Hadley to continue approval of the minutes to the next Council meeting to allow the minutes to be amended to include those comments. Upon vote being taken, the substitute motion carried unanimously.

Adoption of the Agenda

The following items were added to the agenda:

- Dennis Brant
- Move No. 81 (Dahl Expansion Project) forward to Items from Council Members, No. 4A
- Monthly 2012 Project Report
- Update on Stoney Creek Booster Station & Wellhouse Project
- Waterloo Street and Utility Street Reconstruction Project Funding
- Executive Session – Pending Litigation
- Railroad Crossing on E. St. Patrick Street
- Discussion of sanitary sewer services in Elk Vale Industrial Park

Motion was made by Hadley and seconded by Waugh to approve the agenda, as amended. Kroeger stated that he does not support adding an update relative to the Stoney Creek Booster Station to the agenda. This project is scheduled to be bid and no new information is available. Upon vote being taken, the motion carried with Kroeger voting no.

Items from the Mayor

Mayor Shaw explained that the recipient of the **Citizen of the Month Award** was not able to attend tonight's meeting. The award will be given at the next meeting.

The next item discussed by the Council was appointment of Marcia Elkins as **City Growth Management Director**. Mayor Shaw explained that the re-organization of city government is being implemented in an attempt to streamline and smooth out the process. It is anticipated that economic development activity in the area will increase in the coming years and new building projects will step up considerably. The city needs to be prepared for this economic

activity. Motion was made by Kroeger and seconded by Waugh to confirm the Mayor's appointment of Marcia Elkins as the City Growth Management Director. Upon vote being taken, the motion carried with Kriebel voting no. Shaw administered the Oath of Office to Elkins in her capacity as the City's Growth Management Director.

Mayor Shaw also administered the **Oath of Office** to the following City officials: Brian Maliske, Civic Center Manager; Coleen Schmidt, Asst. Finance Officer; Jason Green, City Attorney; Gary Shepherd, Fire Chief; Greta Chapman, Library Director; Craig Tieszen, Police Chief; Ted Vore, Acting Public Works Director; Michael Booher, Asst. City Attorney; and Jim Preston, Finance Director.

Shaw also reported that Jerry Mitchell has been appointed as the interim director of the **Rapid City Regional Airport** until a permanent director can be hired. Mitchell has agreed to serve in this capacity on a volunteer basis, with the help of the existing administrative staff at the airport.

Dennis Brant explained that for medical reasons, he recently had a **wheel chair ramp** constructed at his home. After the fact, it was discovered that the ramp encroached into the setback requirements and was against the City's building codes. Mayor Shaw explained that there are changes being proposed to the city codes that will allow these types of ramps to encroach into the setback requirements. Brant spoke in favor of the proposed changes and noted that he has received calls from numerous people who will benefit from these changes.

Shaw also reminded the Council members and the media that a **special Council meeting** will be held on Monday, January 12, 2004 at 5:30 P.M. The only item on the agenda will be an executive session to discuss personnel matters.

Project Manager Rod Johnson updated the Council on the following **2012 projects** currently under construction: 1) Roosevelt Park Indoor Pool; 2) Public Safety Building Expansion Project; and 3) Dahl Expansion project. Hadley asked if it was possible to modify the community centers so that the rooms upstairs can be used for something other than storage (like a weight room). Johnson explained when the community centers were designed, a need for storage space for equipment used in the gymnasiums was identified. That is the reason the storage areas were put on the upper floor of the facility. He added that the facilities can be modified at a cost, however, the use of the space would be a policy decision that would require agreement between the City and the School District. Police Chief Tieszen gave additional details on the different phases of the PSB project. Tieszen added that he will be asking the Council in the near future to re-affirm the funding commitment for the renovation of the second floor of the old jail facility.

Acting Public Works Director Ted Vore updated the Council on the **Stoney Creek Booster Station and Wellhouse Project** which is scheduled to be bid on March 11, 2004. Vore gave the following history on the project. Well No. 12 was drilled and the monitoring task was performed by Phil Nichols and Associates. As an aside, Vore stated that Phil Nichols & Associates has been involved with all of the wells that have been drilled for the City of Rapid City. This company was directly selected by the Public Works Director as the project was "so specialized as to eliminate any other firm from being listed as a qualified consultant". This is authorization number one under the Consultant Selection Procedure. Vore stated that Nichols is a mechanical engineer, an electrical engineer, and he has considerable geology background. At the March 3, 2003 Council meeting, the contract with Phil Nichols & Associates to design the Stoney Creek Booster Station and Wellhouse for an amount of \$101,125 plus reimbursable expenses was approved by the City Council. Subsequent to this meeting, there were questions about the City's selection procedure and whether or not it has been followed. On October 28, 2003, the Public Works Committee was informed of the total process followed for this project. It was also noted at that time that the City's consultant selection process was followed in the original CETEC contract in 1997 and also with the Phil

Nichols contract for Well No. 12. The Public Works Director elected to combine the two projects. The process being followed today under the current administration would be to go out for new proposals which is different than the previous process. Under the Stoney Creek contract negotiations, the Engineering Dept. wanted to void the existing 1997 contract with CETEC and solicit proposals for Well No. 12 Pump, Booster and Wellhouse. The previous Public Works Director elected not to solicit new proposals as his belief was that the two firms had already been through the consultant selection process and it would be more prudent to combine the contract with Phil Nichols and CETEC Engineering. The Public Works Director and Engineering worked out the contract details between the two firms involving the scope of services, manhours, who was to be the prime, and the fees that would be charged. The project was then awarded and approved by the Council. An amendment of \$9,840 was proposed on September 9, 2003, to increase the pump size and modeling for Well No. 11. This was defeated by the Council on September 15, 2003. On November 3, 2003, Council agreed to an amendment to the old 1997 CETEC Contract to allow the upgrade of Well No. 11 Pump and system improvements, at no additional cost, as that contract had never been terminated and still had approximately \$24,000 of uncommitted funds. Subsequent to all of this action, questions and controversy, the City has implemented a review team to examine and recommend changes to the Consultant Selection Procedures. This team has completed their review and the recommended changes will be forthcoming.

Vore submitted a packet of information to the Council on the **Waterloo Street and Utility Reconstruction Project**. The project was initially brought up in July of 2003 and the Council was notified that the Fire Department required an upgrade on this water line prior to the opening of the Roosevelt Indoor Pool. The existing fire flows are 1500 GPM, but the Fire Department requirement is approximately 3000 GPM. In order to get the project complete prior to the indoor pool opening, the bids must be advertised by January 21, 2004. Council has previously given authorization to advertise for bids, however, adequate funding has not been identified. Vore recommended that \$185,000 in funding for this project be allocated from the 2004 CIP Contingency Fund. Motion was made by Hanks and seconded by Kroeger to authorize staff to advertise for bids for this project and identify \$185,000 in funding for the project from the 2004 CIP Contingency Fund. Other funding includes \$40,000 from the water enterprise fund, \$145,000 from the sewer enterprise fund and \$80,000 from the CIP Street budget, for a total of \$450,000. Finance Officer Preston noted that changes to the CIP Plan require ten days notice prior to action. Hanks withdrew his motion. Motion was made by Kooiker, seconded by Hadley and carried to direct staff to publish the required ten day notice and bring this item to the January 19, 2004 Council meeting.

Items from Council Members/Liaison Reports

The next item discussed by the Council was the policy of **initialing and dating redlines** and plan reviews (No. CC010504-03). Kooiker stated that he feels it is a good practice for all city departments that review plans submitted by the public to initial and date comments to those plans. Motion was made by Kooiker and seconded by Hadley to direct city employees to sign and date all review and comments made on submittals from the public. Kooiker stated that this would apply to Building Inspection, Planning, Fire Department and any department that makes comments on plans submitted by citizens. Hanks suggested that staff be given time to comment on this issue so that we don't create more problems that we solve. Substitute motion was made by Hanks, seconded by Waugh and carried to continue this item to the next Public Works Committee meeting and ask for staff input on the ramifications of implementing this policy. Kooiker stated that he feels Engineering and Building Inspection should sign off on their comments while this policy is being discussed.

Motion was made by Waugh and seconded by French to authorize expenditure of funds for design of the **Dahl Expansion Project** (No. CC010504-05). Kroeger stated that he feels the motion should include that the design be done by Thurston Design Group. Waugh amended his motion to include Thurston Design Group. Kooiker stated that he feels the consultant

selection process was followed in the award of this contract to Thurston Design Group. Upon vote being taken, the motion carried unanimously.

The next item discussed by the Council was the St. Patrick Street **Railroad Crossing**. Alderman Hanks stated that he waited at the crossing for 25 minutes last week and this is not acceptable. City Code 10.72.050 states that a train cannot block a street more than five minutes. Motion was made by Kriebel, seconded by Hadley and carried to direct staff to write a letter to DM&E Railroad reminding them of the city ordinance which limits the amount of time the railroad can block a city street. Mayor Shaw asked the City Attorney's Office to handle this issue.

Hanks stated that he has received several calls today relative to sewer gas in the buildings at the Elk Vale Industrial Park. Hanks encouraged the Public Works Department to make sure that we get the sewer gas issue dealt with as soon as possible.

Continued Items Consent Calendar

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

Continue the following items until January 19, 2004:

5. 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.
6. No. 03AN011 - A request by FMG, Inc. for Bill Freytag for a **Petition for Annexation** on 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 or less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more or less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more or less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more or 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.

7. No. 03AN012 - A request by Dream Design International, Inc. for a **Petition for Annexation** on the west 1321.62 feet of the sixty six foot wide section line highway lying between Sections 24 and 13, T2N, R7E, BHM; 2657.06 feet of the sixty six foot wide section line highway lying between Section 24 and 23, T2N, R7E, BHM; and the south 2644.24 feet of the sixty six foot wide section line highway lying between Sections 14 and 13, T2N, R7E, BHM; located in Section 13, 14, 23 and 24, T2N, R7E, BHM, Pennington County, South Dakota, located north of Nicole Street west of Haines Avenue.
8. 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.
9. 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.
10. No. 03PL045 - A request by Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz for a **Preliminary and Final Plat** on Lots A and B of Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1903 North Maple Avenue.
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. 03PL088 - A request by Dream Design International, Inc. for Sally Broucek for a **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.
16. No. 03PL097 - A request by Renner & Sperlich Engineering Company for Doeck, LLC for a **Preliminary and Final Plat** on Lots 12-21 Block 1, Lots 12-40 Block 2, Lots 1-12 and 21-24 Block 3, and Lots 1, 13, 14, 30 and 31 Block 5 of Auburn Hills Subdivision, located in the NW1/4 of SW1/4 and the SW1/4 of NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 and the SW1/4 of the NW1/4 located in the NW1/4 of SW1/4 and the SW1/4 of NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north and south of Amber Drive.
17. No. 03PL099 - A request by FMG, Inc. for Bill Freytag for a **Layout, Preliminary and Final Plat** on Lots 6 through 9 of Block 4 and Lot 21R of Block 1 and Lot 22R of Block 1, Tyler Knue Subdivision, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 21 and a portion of Lot 22 of Block 1 and a portion of Lot 22 of Block 1 and a portion of the unplatted balance of the NW1/4 NW1/4 all of Tyler Knue Subdivision and dedicated public right of way shown as Nicole Street, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Nicole Street.
18. No. 03PL104 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 13 and Tract A, Block 4; Lots 6 thru 12, Block 16; Lots 1A thru 12A, Lots 1B thru 12B, and Tract B, Block 18; Tract C and Dedicated Streets; Big Sky Subdivision, located in the N1/2 NW1/4 SE1/4 and the SW1/4 NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SW1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the unplatted portion of the NW1/4 SE1/4 less Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Patricia Street, Aurora Drive and Carl Avenue.
19. No. 03PL113 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 12 of Block 6, Red Rock Estates located in the SW1/4 of the NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the SW1/4 of the NE1/4 Section 29 and a part of Picardi Ranch Road located in the SW1/4 of the NE1/4 of Section 29,

T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Muirfield Drive.

20. No. 03RZ043 – Second Reading, **Ordinance 3997**, a request by FMG, Inc. for Bill Freytag for a **Rezoning from No Use District to Low Density Residential II District** on 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 or less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more or less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more or less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more or 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 or less, to the Point of Beginning, located along Nicole Street.
21. No. 03RZ044 - Second Reading, **Ordinance 3998**, a request by FMG, Inc. for Bill Freytag for a **Rezoning from Mobile Home District to Low Density Residential II District** in 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.
22. 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.
23. 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.

24. 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.
25. No. 03SV039 - A request by Gordon Howie for Galen Steen for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sewer, water, street light conduit, sidewalk and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on , legally described as SW1/4 NE1/4; the west 66 feet of the NW1/4 NE1/4, Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, a portion of the E1/2 of Section 25, located in the E1/2 Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the center 1/4 corner of Section 25, and the Point of Beginning, thence, first course: N90°00'00"E, along the 1/4 line of Section 25, a distance of 396 feet; thence, second course: S00°00'00"W, a distance of 624.43 feet; thence, third course: N90°00'00"W, a distance of 396.00 feet, to a point on the 1/4 line of Section 25; thence, fourth course: N00°00'00"E, along the 1/4 line of Section 25, a distance of 624.43 feet, to the center 1/4 corner of Section 25, and the point of beginning; said parcel contains 5.677 acres more or less, located southeast of the intersection of Anderson Road and South Side Drive.
26. No. 03VR014 - A request by Dream Design International, Inc. for a **Vacation of Section Line Highway** on the west 1321.62 feet of the sixty six foot wide section line highway lying between Section 24 and 13, T2N, R7E, BHM; 2657.06 feet of the sixty six foot wide section line highway lying between Section 24 and 23, T2N, R7E, BHM; and the south 2644.24 feet of the sixty six foot wide section line highway lying between

Sections 14 and 13, T2N, R7E, BHM; located in Section 13, 14, 23 and 24, T2N, R7E, BHM, Pennington County, South Dakota, located north of Nicole Street and west of Haines Avenue.

Continue the following items until February 2, 2004:

27. No. 03CA041 - A request by Franklin Simpson for an **Amendment to the Comprehensive Plan to change the future land use designation on a 1.792 acre parcel of land from Park Forest to Medium Density Residential with a Planned Residential Development** on a parcel of land described by metes and bounds as beginning at the southwesterly corner of Tract H of the Wesleyan Christian Center, Thence first course: N76°34'25"E a distance of 263.55 feet to the SE corner of said Tract H; Thence second course: N69°06'06"E a distance of 98.75 feet to the westerly right-of-way line of Sunny Springs Road; Thence third course: S17°49'19"E a distance of 195.45 feet to an angle point of Sunny Springs Road right-of-way; Thence fourth course: S27°11'30"W a distance of 14.14 feet to the north right-of-way line of Harmony Heights Lane; Thence fifth course: S72°12'18"W a distance of 256.21 feet to a point of curvature on the north line of Harmony Heights Lane; Thence sixth course: along an arc to the right, which radius is 170.00 feet an arc distance of 110.36 feet to a point of tangency on the north line of Harmony Heights Lane; Thence seventh course: N70°21'42"W a distance of 53.48 feet to the east right-of-way line of Plaza Boulevard; Thence eighth course: along the east right-of-way line of Plaza Boulevard, on an arc to the left, which radius is 333.35 feet an arc distance of 162.41 feet, and the chord bearing of N00°31'03"E a distance of 160.81 feet, to the point of beginning, said parcel of land containing 1.792 acres more or less, all lying in the NE1/4 SE1/4 of Section 27 and in the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Harmony Heights Lane.
28. No. 03PL091 - A request by Renner and Sperlich for Doeck, LLC for a **Layout, Preliminary and Final Plat** on Tracts A and B, Auburn Hills Subdivision, located in the NW1/4 of SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 located in the NW1/4 of SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Chalkstone Drive and Auburn Drive.
29. 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.
30. No. 03PL112 - A request by Franklin Simpson for a **Preliminary and Final Plat** on Tract M1 and M2, Fountain Springs Business Park, located in the NE1/4 SE1/4 of Section 27, and the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 SE1/4 of Section 27 and a portion of the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Harmony Heights Lane.
31. No. 03PL117 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1 and 2, Block 12; Lots 1 thru 7, Block 15; Lots 1 thru 10, Block 17; Lots 1 thru 17, Block 18; Outlots G-1, G-2, G-3 and X and dedicated streets, Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Prestwick Road and Bethpage Drive.

32. No. 03RZ049 – Second Reading, **Ordinance 4005**, a request by Franklin Simpson for a **Rezoning from General Agriculture District to Medium Density Residential District** on a parcel of land described by metes and bounds as beginning at the southwesterly corner of Tract H of the Wesleyan Christian Center, Thence first course: N76°34'25"E a distance of 263.55 feet to the SE corner of said Tract H; Thence second course: N69°06'06"E a distance of 98.75 feet to the westerly right-of-way line of Sunny Springs Road; Thence third course: S17°49'19"E a distance of 195.45 feet to an angle point of Sunny Springs Road right-of-way; Thence fourth course: S27°11'30"W a distance of 14.14 feet to the north right-of-way line of Harmony Heights Lane; Thence fifth course: S72°12'18"W a distance of 256.21 feet to a point of curvature on the north line of Harmony Heights Lane; Thence sixth course: along an arc to the right, which radius is 170.00 feet an arc distance of 110.36 feet to a point of tangency on the north line of Harmony Heights Lane; Thence seventh course: N70°21'42"W a distance of 53.48 feet to the east right-of-way line of Plaza Boulevard; Thence eighth course: along the east right-of-way line of Plaza Boulevard, on an arc to the left, which radius is 333.35 feet an arc distance of 162.41 feet, and the chord bearing of N00°31'03"E a distance of 160.81 feet, to the point of beginning, said parcel of land containing 1.792 acres more or less, all lying in the NE1/4 SE1/4 of Section 27 and in the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Harmony Heights Lane.

End of Continued Items Consent Calendar

Alcoholic Beverage License Applications

This was the time set for hearing on the application of Taira L. Hoeye dba **St. Joe Pub**, 710 St. Joseph Street, for an On-Sale Liquor License Transfer (from High Plains Securities). No public comments were made and Mayor Shaw closed the public hearing. Upon motion made by Hanks, seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of CCKT, Inc, dba **Queen of Hearts Casino**, 316 East Boulevard, for an On-Off Sale Malt Beverage License Transfer (from Jim Berendes). No public comments were made and Mayor Shaw closed the public hearing. Upon motion made by Hanks, seconded by Waugh 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 following applications, said hearings to be held on January 19, 2004:

- 35. Piesano's Pacchi, Inc. dba **Piesano's**, 3618 Canyon Lake Drive, for an On-Off Sale Malt Beverage License Transfer (from M&M Restaurant, Inc.)
- 36. Piesano's Pacchi, Inc. dba **Piesano's**, 3618 Canyon Lake Drive, for an On-Sale Wine License (New License – No Video Lottery)

Consent Calendar Items – 37-66

The following items were removed from the Consent Calendar:

- 39. Refer to the Planning Commission the second kitchen criteria for residential dwellings and multiple residents in a single structure.
- 57. No. LF122903-12 – Approve Resolution to Amend the Non-Union Position of Airport Executive Director.

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

Set for Hearing (February 2, 2004)

37. No. 03VR015 - A request by Sperlich Consulting, Inc. for Dean Kelly for a **Vacation of Section Line Highway** on the section line highway located along the north lot line of Lot 6, Miracle Pine Subdivision, all located in the SE1/4 of SW1/4 of Section 16 and in the NE1/4 of NW1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3960 Corral Drive.

Public Works Committee Consent Items

38. Request that the Air Quality Board meet with homeowners, the Homebuilders Association and the Ordinance Review Committee to review the issue of dust generated by earth moving, and look at alternative amendments.
40. No. PW123003-02 – Approve Change Order No. 05 and Final for Wildwood Drive Street and Utilities Construction Project No. WSS00-943 to Hills Materials Company for a decrease of \$21,004.68.
41. No. PW123003-03 – Approve Change Order No. 01 for Parkview Drive Extension Project No. ST03-1006 to R.C.S. Construction, Inc. for an increase of \$33,523.50.
42. No. PW123003-04 – Approve Change Order No. 03 and Final for Sheridan Lake Road Sanitary Trunk Sewer Extension Project No. SS00-1007 to Mainline Contracting, Inc. for a decrease of \$34,145.34.
43. No. PW123003-05 – Approve Change Order No. 04 and Final for Community Centers at South and West Middle Schools Project No. PR01-1051 to J. Scull Construction Services for an increase of \$5,391.72.
44. No. PW123003-06 – Approve Change Order No. 01 for Arrowhead Basin Detention Pond, Element 302 Project No. DR01-1126 to Lind-Exco for an increase of \$2,535.12.
45. No. PW123003-07 – Approve Change Order No. B03 for Roosevelt Park Pool Complex Project No. PR02-1208 to R.C.S. Construction, Inc. for an increase of \$3,940.00.
46. No. PW123003-08 – Approve Change Order No. 01 for 8th Street Water Main Extension Project No. W03-1308 to Mainline Contracting, Inc. for an increase of \$810.00.
47. No. PW123003-09 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to Agreement No. 612814 with the South Dakota Department of Transportation for P 1669(26) PCEMS 3595, Haines Avenue.
48. No. PW123003-10 – Authorize Mayor and Finance Officer to sign Software Maintenance Agreement with Advanced Weighing Systems, Inc. for Rapid City Landfill Scale Software for an amount not to exceed \$1,400 for 2004.
49. No. PW123003-11 – Approve the installation of a stop sign at the intersection of West Street/Columbus Street, east and west.

Legal & Finance Committee Consent Items

50. No. LF122903-01 – Approve the Beautification Committee recommendation for beautification funding commitment for the Omaha Street Beautification and Historic Preservation Transportation Enhancement Project-West Memorial Park Phase only.
51. No. LF122903-02 – Confirm appointment of Greg Lind, Louis Schwengler, and Tim Madsen to the Rapid City Trenching Board.
52. No. LF122903-03 – Confirm reappointment of Jim White, John Wrede, and Joel Jundt to the Rapid City Beautification Committee.
53. No. LF122903-05 – Authorize Mayor and Finance Officer to sign Agreement for Independent Contractor Services with Dr. Jack Gaines.
54. No. 600 – Approve a request by the City of Rapid City for the Dissolution of Tax Increment District No. 7 on a portion of Tract A Revised, Tract D and a portion of Tract C Revised, all including the right-of-way therein (formerly Tracts A and B and the right-

of-way therein), all located in Walpole Heights Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of U.S. Highway 16 at the intersection of Fairmont Blvd. and U.S. Highway 16.

A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT NUMBER SEVEN

WHEREAS the City of Rapid City created Tax Increment District Number Seven on July 6, 1987; and,

WHEREAS all expenditures have been made in accordance with the adopted amended project plan for Tax Increment District Number Seven adopted on July 6, 1987; and,

WHEREAS the City Council of the City of Rapid City is authorized to dissolve this Tax Increment District pursuant to SDCL 11-9-46,

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that Tax Increment District Number Seven be, and the same hereby is, dissolved.

BE IT FURTHER RESOLVED that any funds which have accrued to the Tax Increment District Number Seven, pursuant to SDCL 11-9-31, be distributed as provided by SDCL 11-9-45.

Dated this 5th day of January, 2004.

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

THE CITY OF RAPID CITY
s/ Jim Shaw, Mayor

55. Authorize staff to combine the Special Project Planner and the Annex Planner into one FTE position for the 2004 budget year for the Community Planning Coordinator with the understanding that staff could come back and request that this position be replaced in future years.
56. No. LF122903-06 – Approve Travel Request for Keith L'Esperance to attend Annual International Public Risk Management Association Conference in Fort Lauderdale, FL, from June 13-16, 2004, in the approximate amount of \$1,865.
58. No. LF121003-16 – Authorize Mayor and Finance Officer to sign Maintenance Contract with McKie Ford for RTS Vehicles.
59. No. LF122903-07 – Authorize Mayor and Finance Officer to sign Ice Rental Contract with The Hooligans.
60. No. LF122903-08 – Authorize Mayor and Finance Officer to sign Ice Rental Contract with Rushmore Hockey Association.
61. Authorize staff to submit Grant Application to Federal Transit Administration for Annual Operating and Capital Assistance for CY 2004 (SD90X043).
62. No. LF122903-11 – Award bid to Grande American Bus Sales for two 2004 para transit vehicles in the amount of \$92,714 (joint procurement with City of Sioux Falls).
63. Acknowledge City Attorney Jason Green's report that the ordinance amending ward and precinct boundaries will have to be changed every time new property is annexed.
64. No. LF122903-09 – Approve renewal of Concession Agreement for 2004 with Mr. Rags Ice Cream.
65. No. CC010504-02 – Approve the following licenses: Central Station Service: Central Monitoring Service, Kenneth C. Knight; Central Station, Inc., Don H. Minyard; Criticom International Corp., Thomas J. Few; Electro Watchman, Inc., Jay Helseth; Emergency

24, Inc., Dante Monteverde; Honeywell International, Inc., Mary Brown; Midwest Alarm Co., Inc., Larry McMillen; WH International Response CTR, Wendy Youngren; Electrical Journeyman: Robert Beninati; Electrical Apprentice: Wayne Hellman, Dana S. Nelson; Gas Contractor: Steve Armour, Mike's Mobile Home Service; Chino Caekaert, A to Z Maint. & Repair; Duane Lassegard, Cenex Oil Co.; Ronald Ryman, D & R Service, Inc.; Rick Salyers, Dependable Transport; Lee Seaman, L & M Appliance Specialists, Inc.; Gas Fitter: Justin Burke, Ronald W. Fielder, Alphonse Fleck, Steve Hyk, Ken Kenitzger, Ronald Kramer, John B. Miller, Kevin Morris, Lonny Ryman, Loren Ryman, Ralph Schad, Michele Seaman, Wade Smith, Nick Walenta, Allan Weinand; Gas Fitting Apprentice: Kevin Bad Wound, Todd Dietrich, Darrin Esser, Nick Williams; House Mover: Douglas "Butch" Davis, SD Housing Development Authority; Kent Hazelrigg; Mechanical Apprentice: Frank Best, Jr., Danny Hayes, Chad Horst, Troy Huset; Mechanical Contractor: Aaron Zimmiond, Z's Heating & Cooling; Mobile Home Court: Cherry Avenue Mobile Park, Don & Marlene Kechely; Palmer Mobile Home Court, Raymond Palmer; R J Country Court, Judy Shafer/Ross Rohde; Richland Mobile Home Estates, NGB Investment Co.; Pawn Shop: First National Pawn, Inc., Barbara Brown; Plumbing Apprentice: Jeffrey C. Stickler; Refuse Collection: Bradley Dumpster Service, Mark or Lucile Bradley; Refuse Disposal: Salomon Sanitation, Donna Salomon; Residential Contractor: A-1 Construction, Inc., Curtis W. Smith; Advance Home Repair/Remodel, Donald E. Williams; Avvampato Construction Company, Joseph & Kelly Avvampato; Bicek Construction, Perry Bicek (Inactive); Block Masonry, inc., Wayne & Dianne Block; Clark and Sons Custom Builders, Jeff A. Clark; Clauson Construction, Shaun Clauson; Customer Services, Charles M. Hoffman; Dakota Sun, Chester Marshall; Darlene's Kitchen Gallery, Ivan & Darlene Davignon; Del's Construction, Inc., Milton Genzlinger, Darren Genzlinger, Tim Schezk; G M & S Construction, George M. & Dixie Matthew; Handyman Services, Stephen Jensen; Holdaway Construction, Inc., John M. Holdaway II & Evelyn Holdaway; G J Holsworth & Son, Inc., Dan Holsworth; Howe Custom Construction and Remodeling, Michael & Michele Howe; Jim's Plumbing & Heating, Inc., Jim Schnittgrund; Stanley J. Johnsen Concrete, Roger S. Johnsen; Johnson Remodeling, Kenneth Johnson; Jones Construction Co., Ross & Melanie Jones; Morton Buildings, Inc., Gary Sabers; Kaski Homes, Inc., Ryan Kaski; Tom Klein Construction, Tom Klein; Mousel Construction, Inc., Steve Mousel; Noble Construction Company, Larry J. Noble; Pesicka Corporation, Dan & Donna Pesicka; Phelps Mfg., John Phelps; Premier Homes, Inc., Jim & Sharon Hansen; Craig Reiner; Remodel-King Construction, Inc., Scott Sogge; Don Ritchie Cont., Don Ritchie; Scull Const. Services, Inc., James L. Scull, Jr.; Seidel Concrete, Randy & Krystal Seidel; Steele Construction, Robert & Barbara Steele; T-M Concrete Construction, Inc., Chad Myers; The Timber Tailor, Matthew C. Jackson; V & R Construction – Mantei, Victor Mantei; West River Masonry, Steven D. Kroger; Second Hand: Big K Furniture, Kenneth D. Sheffield; Ernie November's, Inc., Steven Merry; Game Exchange, Jacaline K. Sales; Play It Again Sports, Jim M. Thomson; Trader's Corner, Brenda Dennis; Willy's Saw Shop, Douglas Williams; Security Business: Mt. States Investigation, Inc., Karen Kierstead; Ram Security & Patrol, Ryan J. Hunter; Rochester Armored Car Co., Inc., Paul Cameron; Securitas Security Services, Inc., Donald C. Sneathen; Sign Contractor: Black Hills Tent & Awning, Donald E. Mattson; French's Upholstery, Gary French; Red Letter Signs, Andrew C. Hade; Sign Express, Gene & Roxy Hunter; Signworks, Mikal Lewis; Taxi: Airport Shuttle Express, Kathleen Walla LeuiDial-A-Driver, Mark Paul Huffman; Sewer & Water Installer Journeyman: Leonard Baker, Paul Granum, Pat Mechaley, Randy Schumacher and David Spear; Trenching Contractor: Jared Tordsen, Tordsen Backhoe Service.

Planning Department Consent Items

66. No. 03PL116 - A request by Olsen Development Co., Inc. for a **Layout Plat** on Lots 1 thru 28, Block 5, Windmere Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 5, Windmere

Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the southwest corner of Twilight Drive and Meadow Lane. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) A Special Exception is hereby granted to allow a private access easement to serve 28 lots in lieu of four lots as per the Street Design Criteria Manual; 2) A Special Exception is hereby granted to allow water and sewer mains to be located in public utility easement(s) in lieu of public rights-of-way as per the Street Design Criteria Manual; 3) A Special Exception is hereby granted to allow the Haycamp Lane approach onto Twilight Drive to be constructed as a 36 foot wide reinforced concrete driveway approach in lieu of a street intersection as per the Street Design Criteria Manual; 4) Upon submittal of the Preliminary Plat, road construction plans for Haycamp Lane and Hayloft Lane shall be submitted for review and approval. In particular, Hayloft Lane and the southern 240 feet of Haycamp Lane shall be constructed with a minimum 49 foot wide right-of-way and a 24 foot wide paved surface, curb, gutter, sidewalks, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the northern 240 feet of Haycamp Lane shall be constructed with a minimum 52 foot wide right-of-way and a 27 foot wide paved surface curb, gutter, sidewalks, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 5) Upon submittal of the Preliminary Plat, road construction plans showing the extension of Hayloft Lane to Meadow Lane shall be submitted for review and approval or a grading plan shall be submitted identifying the constraints precluding the road construction; 6) Upon submittal of the Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed; 7) Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval; 8) Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval; 9) Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 10) Prior to Final Plat approval by the City Council, the applicant shall submit covenants identifying maintenance of the access easements, public water and sewer utilities and drainage improvements; 11) Upon submittal of the Preliminary Plat, road construction plans for the hammerhead turnaround(s) shall be submitted identifying a 19 foot wide turnaround in lieu of a 12 foot turnaround; 12) Upon submittal of the Preliminary Plat, the water and sewer plans shall identify the abandonment of water and sewer main stubs as necessary; 13) Upon submittal of the Preliminary Plat, adequacy of the existing drainage channel located on the south side of the development shall be verified as a part of the drainage plan; 14) Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; and, 15) 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

Motion was made by Hanks and seconded by French to refer to the Planning Commission the **second kitchen criteria** for residential dwellings and multiple residents in a single structure. Hadley stated that he doesn't feel this needs to be sent back to the Planning Commission for consideration. There is nothing in the current ordinances that states you cannot have a second kitchen. Growth Management Director Elkins explained that the city ordinance defines a dwelling unit and there is reference to a single kitchen. As a result, allowing more than one kitchen in a single dwelling unit will require an ordinance amendment that must go to the Planning Commission for consideration. Kooiker stated that part of the problem is that what constitutes a kitchen is not defined in the code. Substitute motion was

made by Kooiker and seconded by Hanks to direct staff to bring forward an ordinance amendment correcting the second kitchen issue and bring it forward to the next council meeting. Elkins explained it is not possible to have this item before the council at the next meeting for public hearing. The deadlines for legal notices cannot be met in that time frame. She suggested that the Council consider first reading at its next meeting with the understanding that the Planning Commission will not have a recommendation available at that time. Elkins stated that the Planning Department staff will move forward with this item as quickly as possibly in compliance with the statutory requirements for the amendment. Upon vote being taken, the motion carried unanimously.

The following Resolution was introduced, read and Kooiker moved its addition (No. LF122903-12):

**RESOLUTION TO AMEND THE NON-UNION POSITION
OF AIRPORT EXECUTIVE DIRECTOR**

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

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

Job Title	Grade	Salary
Airport Executive Director	26	\$61,900 to \$94,182/yr. (2004)

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

Passed this 5th day of January, 2004.

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Hanks. Kooiker asked if an individual is hired at a step higher than the first step in the approved grade, does that action come to the City Council for approval. Finance Officer Preston explained that those issues are authorized by the Mayor and are not submitted to the City Council for approval. Kooiker stated that he feels the city should look at changing that process to insure equity within the system and inform the public of the actions taken. Upon vote being taken, the following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Kroeger, Hadley and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

Planning Department – Hearings

The Mayor presented No. 03CA042, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the Major Street Plan by relocating a Collector Street** located along the east-west section line lying between Sections 13 and 24, T2N, R7E, BHM, Pennington County South Dakota and by relocating a Collector Street currently located along the north-south section line lying between the SW1/4 of Section 13, T2N, R7E and the SE1/4 of Section 14, T2N, R7E, BHM, Pennington County, South Dakota,

located north of Nicole Street and west of Haines Avenue. The following Resolution was introduced, read Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 5th day of January, 2004 to consider an amendment to the Comprehensive Plan to change the Major Street Plan by relocating a Collector Street located along the east-west section line lying between Sections 13 and 24, T2N, R7E, BHM, Pennington County South Dakota and by relocating a Collector Street currently located along the north-south section line lying between the SW1/4 of Section 13, T2N, R7E and the SE1/4 of Section 14, T2N, R7E, BHM, Pennington County, South Dakota, and good cause appearing therefor

BE IT RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Rapid City Comprehensive Plan be amended as attached to the original hereof and filed in the Finance Office.

Dated this 5th day of January, 2004.

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 Kroeger. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Kroeger, Hadley and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03SV040, a request by FMG, Inc. for Bill Freytag for a **Variance to the Subdivision Regulations to allow lots twice as long as they are wide as per Chapter 16.16 of the Rapid City Municipal Code** in 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 and 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. Motion was made by Kooiker, seconded by Hadley and carried to approve the requested Variance.

The Mayor presented No. 03SV047, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to reduce the right-of-way width from 68 feet to 52 feet as per Chapter 16.16 of the Rapid City Municipal Code** on a parcel of land located in SW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the southeast corner of Lot1B, Block 6 of Red Rock Estates Phase 1A, as recorded with the Pennington County Register of Deeds in Book 30, Page 162 (1 & 2); thence S14°58'00"E, 120.00 feet; thence S75°02'00"W, 144.56 feet to a point lying on a curve concave to the east and whose chord bears N22°17'57"W, 120.99 feet; thence continuing along the arc of said curve to the right whose radius is 474.00 feet and whose delta angle is 14°39'53", an arc length of 121.32 feet to a point on said curve; said point also being the southwest corner of said Lot 1B, Block 6; thence N75°02'00"E along the southerly line of said Lot 1B, Block 6, 160.00 feet to the Point of Beginning containing 0.427 acres more or less, located along Muirfield Drive. Motion was made by Kooiker, seconded by Kroeger and carried to continue this item until January 19, 2004, at the applicant's request.

Ordinances & Resolutions

Ordinance 4006 entitled An Ordinance Amending the Regulation of Signs Within the City of Rapid City to Allow Certain Roof Signs to be Replaced by Adding a New Subsection to Section 15.28.200 of the Rapid City Municipal Code (No. LF121003-06), having passed the first reading on December 15, 2003, it was moved by Kroeger and seconded by French that the title be read the second time. Eric Farrar spoke in favor of the ordinance noting that it is a safety and common sense issue. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Kroeger, Hadley and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 4006 was declared duly passed upon its second reading.

Ordinance 4008 (No. 03RZ051) a request by Joe Muth for Doeck, LLC for a **Rezoning from Low Density Residential District to Low Density Residential II District** on Lot 1 of Block 1 and Lot 1 of Block 2, Auburn Hills Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 730 and 810 Auburn Drive, was introduced. Upon motion made by Hanks, seconded by Murphy and carried, Ordinance 4008 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, January 19, 2004 at 7:00 P.M.

Ordinance 4009 (No. 03RZ052) a request by WellSpring, Inc. for a **Rezoning from Flood Hazard District to Office Commercial District** on Lots 1 thru 3, Block 11, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1205 E. St. James Street, was introduced. Upon motion made by Hanks, seconded by Murphy and carried, Ordinance 4009 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, January 19, 2004 at 7:00 P.M.

Ordinance 4010 (No. 03RZ053) a request by WellSpring, Inc. for a **Rezoning from Medium Density Residential District to Office Commercial District** Lots 4 and 5, Block 11, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1205 E. St. James Street, was introduced. Upon motion made by Hanks, seconded by Murphy and carried, Ordinance 4010 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, January 19, 2004 at 7:00 P.M.

Ordinance 4011 (No. 03RZ054) a request by the City of Rapid City for a **Rezoning from No**

Use District to General Agriculture District on the following property, was introduced: Described by metes and bounds as beginning at the NW corner of Section 29, T1N, R7E, BHM, Pennington County, South Dakota; which shall be the true point of Beginning; thence east along the Section line a distance of 2147.50 feet; thence north a distance of 233.00 feet; thence west a distance of 2180.51 feet; thence south a distance of 233.00 feet; thence east a distance of 33.01 feet, more or less, to the true point of Beginning; all located in Sections 19 and 20, T1N, R7E, BHM, Pennington County, South Dakota; and, beginning at the NW corner of Section 29, T1N, R7E, BHM, Pennington County, South Dakota; which shall be the true point of Beginning; thence south along the Section line a distance of 4000.00 feet; thence west a distance of 250.00 feet; thence north a distance of 1090.00 feet; thence east a distance of 216.99 feet; thence north a distance of 2910.00 feet; thence east a distance of 33.01 feet; more or less, to the true point of Beginning; all located in Section 30, T1N, R7E, BHM, Pennington County, South Dakota, located west of Red Rock Estates and north of Sheridan Lake Road. Upon motion made by Hanks, seconded by French and carried, Ordinance 4011 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, January 19, 2004 at 7:00 P.M.

Ordinance 4012 (No. 03RZ055) a request by Centerline, Inc. for 3 T's Land Development LLC for a **Rezoning from General Agriculture District to Low Density Residential District** on the NW1/4 SW1/4 less Tract R in the NW1/4 SW1/4 and less NE1/4 NE1/4 NE1/4 NW1/4 SW1/4; N1/2 N1/2 N1/2 N1/2 SW1/4 SW1/4, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Minnesota Street west of 5th Street, was introduced. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 4012 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, January 19, 2004 at 7:00 P.M.

Legal & Finance Committee Items

Motion was made by Hanks and seconded by Waugh to approve No. LF122903-10 – Authorization for Mayor and Finance Officer to sign **Professional Service Agreement** with Tracy Hamblet to operate the Meadowbrook Golf Course and Executive Golf Course. Finance Officer Preston explained that in August 2003, the Golf Committee recommended that the City return to a contract with the Golf Pro. This recommendation was submitted to the Council for consideration. The council authorized staff to proceed and develop a contract between the City and the Golf Pro. That contract is before the Council for consideration at this time. Upon vote being taken, the motion carried unanimously.

Public Works Committee Items

The Mayor presented No. 03VE021, a request by Sperlich Consulting Inc. for Dennis Zandstra for a **Vacation of Non-Access Easement and a Special Exception to the Street Design Criteria Manual** located along Willowbend Road southeast of Augusta Drive. The following Resolution was introduced, read and Hadley moved its adoption, as well as the special exception to the Street Design Criteria Manual, as requested:

RESOLUTION OF VACATION OF NON-ACCESS EASEMENT

WHEREAS it appears that a non-access easement on Lot 4 of Block 8 of Elks Country Estates Subdivision in the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Willowbend Road southeast of Augusta Drive. is not needed for public purposes; and

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

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

Dated this 5th day of January, 2004.

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 Kriebel. Doug Sperlich, representing Dennis Zandstra, explained that Phase 2 of this subdivision started in the mid 90s and they spent a lot of time working with city staff to minimize the driveways onto Jolly Lane. In the process of designing and constructing Phase 2, the City didn't enforce the Street Design Criteria Manual very well with respect to taking driveway access off the lower class streets. As a result, we didn't spend a lot of time worrying about where the driveway was going to enter. Now we are at the end of platting Phase 2 and the Street Design Criteria Manual has come into play. The lot in question has double frontage, is larger than other lots in the development, and has a drainage culvert easement running through it. Because of the elevations on this lot, there have been several inquiries about building a home with a walk-out basement. Sperlich explained that the property owner would like to relocate access to this lot from Willowbend, directly across from the existing cul-de-sac. Growth Management Director Elkins explained that the Planning Commission did recommend that the variance be denied because of how other homes on this cul-de-sac are situated on the lots. Roll call vote was taken: AYE: French, Kooiker, Waugh, Hadley and Kriebel; NO: Hanks, Murphy and Kroeger. Motion carried, 5-3.

Motion was made by Kooiker and seconded by Hadley to request that the Mayor reappoint the **Naming Rights Committee** and place the issue of naming rights on the January 5, 2004, Council agenda for further discussion. Mayor Shaw explained that the Naming Rights Committee was initially appointed on November 4, 2002. The membership of the committee is Brian Maliske, Coleen Schmidt, Jason Green, Bill Waugh and Alan Hanks. Hanks stated that if the purpose of this action is to change the policy for everyone, he can agree with reviewing it. However, if we are trying to change it for one organization, he would be opposed to that. Kriebel recommended that a new committee be appointed to review the naming rights issue. This is a revenue source that the city needs to look at. He added that the revenue generated from naming rights would go to benefit the entire city, not just one group. Substitute motion was made by Hadley and seconded by Kooiker that the Mayor appoint the Naming Rights Committee with new membership. Kroeger stated that he could only support naming rights if the proceeds generated go to the coffers of the City of Rapid City, not individual organizations. Upon vote being taken, the motion carried unanimously.

CIP Committee Items

Finance Officer Preston reviewed the December 19, 2003 **CIP Committee** minutes with the Council. Motion was made by Hanks, seconded by French and carried to acknowledge the report.

Motion was made by Hanks, seconded by French and carried to approve **reallocation of Parks & Recreation Line Item Amounts**, as follows: Canyon Lake Park Chimney Project \$226,816; Canyon Lake Improvements \$282,462; BH Polo & Soccer Field-Parking \$128,148;

Messinger/Andrews Donation \$0 (allocated to Chimney project and contingency); Contingency \$2,650; Total \$709,260 (No. CC010504-01).

Finance Officer's Report

Finance Officer Preston requested that the Council approve a Resolution Declaring Property Surplus. Motion was made by Hanks and seconded by Kroeger to approve the Resolution. Substitute motion was made by Kooiker, seconded by Hadley and carried to refer this resolution to the Legal & Finance Committee for consideration.

Approval of Bills

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

Payroll Paid Ending 12-31-03, Paid 12-31-03	990,006.65
Payroll Paid Ending 12-27-03, Paid 1-02-04	591,987.84
Payroll Paid Ending 12-27-03, Paid 1-02-04	610.88
Pioneer Bank, Taxes Paid 12-31-03	244,210.37
Pioneer Bank, Taxes Paid 1-02-04	140,206.91
Pioneer Bank, Taxes Paid 1-02-04	46.73
BH Electric Cooperative, electricity	516.97
BH Power & Light, electricity	14,193.02
Century Resources, 2004 USGS Building	98,000.00
Humane Society of the Black Hills	14,860.91
IIARC, insurance	765,664.00
MDU, gas service	17,256.25
RC Convention & Visitors Bureau, SDHS Rodeo	5,000.00
Safety Plaza, January 04 lease	2,975.00
Total	<u>\$2,885,535.53</u>

Payroll Paid Ending 12-27-03, Paid 1-02-04	2,618.20
Pioneer Bank, Taxes Paid 1-02-04	193.12
Total	<u>\$2,888,346.85</u>

Executive Session

Motion was made by Hanks, seconded by French and carried to go into executive session to discuss pending litigation. The Council came out of Executive Session at 10:00 and no report was made.

As there was no further business to come before the Council at this time, the meeting adjourned at 10:00 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)