

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

July 6, 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 Tuesday, July 6, 2004 at 7:00 P.M.

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

Staff members present included City Finance Officer Jim Preston, Acting Public Works Director Ted Vore, Growth Management Director Marcia Elkins, City Attorney Jason Green, Parks and Recreation Director Jerry Cole and Administrative Assistant Jackie Gerry.

***Approval of Minutes***

Motion was made by Kroeger, seconded by Murphy to approve the minutes of June 21, 2004 clarifying that Alderman French had expressed disappointment that the AOB issue had never got out of Committee; and to approve the minutes of the Special Council meetings of June 21 and 30, 2004. Motion carried.

***Recess - Swear in new Council Members***

Motion was made by Waugh, seconded by Hadley and carried to recess the City Council meeting for the purpose of swearing in the new Council members.

Mayor Shaw reconvened the City Council meeting.

***Election of Officers***

Mayor Shaw opened the floor for nominations for Council President. Alderman Waugh moved to nominate Ron Kroeger, seconded by Murphy. Alderman Kooiker moved to nominate Ray Hadley, seconded by French. Alderman French moved to nominate Malcom Chapman, seconded by Kooiker. Hadley moved, seconded by Waugh to cease nominations. Motion carried.

The Mayor called for a vote, and upon a roll call vote the following voted as follows:

<b>Ron Kroeger</b>	<b>Ray Hadley</b>	<b>Malcom Chapman</b>
Murphy	Hadley	French
Johnson	Kooiker	
Chapman		
Kroeger		
Waugh		
Olson		
Partridge		

Mayor Shaw declared Alderman Ron Kroeger, Council President.

Mayor Shaw opened the floor for nominations for Council Vice President. Alderman Kroeger moved to nominate Jeff Partridge, seconded by Waugh. Alderman French moved to nominate Ray Hadley, seconded by Kooiker. Hadley moved, seconded by Waugh to cease nominations. Motion carried.

The Mayor called for a vote, and upon a roll call vote the following voted as follows:

**Jeff Partridge**

Murphy  
Chapman  
Kroeger  
Olson  
Partridge

**Ray Hadley**

French  
Johnson  
Waugh  
Hadley  
Kooiker

Mayor Shaw declared a tie vote for Council Vice President.

Upon a request from Alderman Johnson, Jeff Partridge and Ray Hadley addressed the Council on their leadership for the Council.

The Mayor called for a vote, and upon a roll call vote the following voted as follows:

**Jeff Partridge**

Murphy  
Chapman  
Kroeger  
Olson  
Partridge

**Ray Hadley**

French  
Johnson  
Waugh  
Hadley  
Kooiker

Mayor Shaw declared a tie vote for Council Vice President.

The Mayor again called for a vote, and upon a roll call vote the following voted as follows:

**Jeff Partridge**

Murphy  
Chapman  
Kroeger  
Olson  
Partridge

**Ray Hadley**

French  
Johnson  
Waugh  
Hadley  
Kooiker

Mayor Shaw declared a tie vote for Council Vice President; and called for a recess at 7:23 P.M.

At 7:32 P.M., Mayor Shaw reconvened the City Council meeting.

Mayor Shaw recognized Alderman French who requested a written ballot; upon which City Attorney Green advised that written ballots must be signed. Motion was made by French, seconded by Johnson to conduct a written ballot. Upon a roll call vote, the following voted AYE: French, Murphy, Johnson, Chapman, Kroeger, Waugh and Olson; NO: Hadley, Partridge and Kooiker. Motion carried 7 to 3 vote.

Upon a written ballot, the following voted accordingly:

**Jeff Partridge**

Murphy  
Chapman  
Kroeger  
Olson  
Partridge

**Ray Hadley**

French  
Johnson  
Waugh  
Hadley  
Kooiker

Mayor Shaw declared a tie vote for Council Vice President.

Alderman Murphy moved, seconded by French to reopen the floor for nominations. Motion carried with Kooiker voting NO. Alderman Murphy moved to nominate Malcom Chapman, seconded by French. Alderman Kroeger moved to nominate Jeff Partridge, seconded by Waugh. Alderman Kroeger moved to nominate Ray Hadley, seconded by Kooiker. Waugh moved, second by Hadley to cease nominations. Motion carried with Johnson voting NO.

The Mayor again called for a vote, and upon a roll call vote the following voted as follows:

**Malcom Chapman**

**Jeff Partridge**

**Ray Hadley**

Murphy  
Chapman  
Kroeger  
Olson  
Partridge  
Waugh

French  
Johnson  
Hadley  
Kooiker

Mayor Shaw declared Alderman Jeff Partridge, Council Vice President.

***Adoption of the Agenda***

The following items were added to the agenda:

- Smoking Ordinance (Alderman Items - French)
- Declare an emergency repair and authorize staff to seek informal quotes for CoCompost Facility Service Doors Replacement Project No. SWO04-1417 (Public Works Director's Items)
- 72" Out Front Mower for Parks Department (Bid Opening)
- Alcoholic Beverage License Applications for Wal-East Development, Inc.; dba Jackpot Casino, Rory A. Schoenheider dba Red's Savoy Pizza; and American Academy of Trial Lawyers (Set for Hearing on July 19, 2004)
- Signal Drive (Alderman Items - Kooiker)
- Acknowledge sale of raffle tickets for a Ford F150 pick up, second prize big screen TV, third prize \$1,000 cash, fourth prize \$500 cash, Black Hills Home Builders Association
- Voting by telephone (Alderman Items - French)
- Executive Session to discuss pending litigation and personnel matters

Motion was made by Hadley, seconded by Waugh and carried to adopt the agenda as amended.

***General Public Comment***

Mayor Shaw recognized Lisa Sissenstein who provided a copy of a letter addressed to the Pennington County States Attorney's office outlining a complaint regarding action taken by the Mayor, Council and City Attorney's Office on the matter of calling a Special Council meeting to consider a malt beverage license.

***Bid Openings***

The following companies submitted bids for No. CC070604-01 Card Key Security System for the Water Treatment Plant: 1) Dakota Security Systems, Inc.; 2) Gold West Technologies, Inc.; and 3) door Security Products, Inc. Staff has reviewed the bids and recommends award to Dakota Security Systems, Inc. Motion was made by Partridge, seconded by Waugh and carried to award the Card Key Security System Project No. WRP04-1384 to the lowest responsible bidder meeting specifications, Dakota Securities, Inc., based on their low unit prices bid for a total contract amount of \$48,250.42.

The following companies submitted bids for a 72" Out Front Mower for the Parks Department: 1) Midwest Turf; 2) Sun Turf; 3) Jenner Equipment; 4) Jenner Equipment; and 5) Rapid Valley Equipment. Staff has reviewed the bids and recommends award to Jenner Equipment. Motion was made by Partridge, seconded by Waugh and carried to award the 72" Out Front Mower for the Parks Department to the lowest responsible bidder meeting specifications, Jenner Equipment Company, based on their low unit prices bid for a total contract amount of \$15,620.00.

***Items from the Mayor***

Motion was made by Waugh, seconded by Kroeger and carried to approve the following appointments to the Planning Commission: Debra Hadcock, Ward 2; Martha Rodriguez, Ward 3; and Pete Anderson, Ward 5.

Mayor Shaw recognized Fire Chief, Gary Shepherd who reported his department had been approached by the Pennington County Commission with an inquiry of interest in demolishing three vacated houses for training purposes. Shepherd pointed out that these homes were located on Kansas City Street east of the courthouse. His interest is using these vacated homes were for search and rescue drills. For the privilege of using these structures, the County requested they be allowed to dispose of the debris at the Rapid City Landfill free of charge. Motion was made by French, second by Johnson to waive the Rapid City Landfill disposal fee for Pennington County for demolition debris from the building structures. Alderman Partridge offered a friendly amendment to charge the minimum fee of \$10.00 per ton for disposal of demolition debris. Alderman Kooiker offered a second friendly amendment that debris not normally accepted at the Rapid City Landfill, not be taken to the landfill for disposal. The motion maker accepted the friendly amendments. Upon a vote being taken, the motion as amended carried.

### ***Items from Council Members/Liaison Reports***

Motion was made Kooiker, seconded by French to set a Special Council meeting or special Information meeting during evening hours within the next several weeks to discuss the City Council Policies & Procedures. Substitute motion was made by Johnson, seconded by Waugh to refer this issue to the Legal & Finance Committee meeting. Kooiker addressed the structuring of the committees and having only five members comprise each of those committees. Upon a roll call vote being taken, the following voted AYE: Murphy, Johnson, Chapman, Kroeger, Waugh, Olson, and Partridge; NO: French, Hadley, and Kooiker. Motion carried 7 to 3.

Alderman French pointed out a Smoking Ordinance adopted by the City of Sioux Falls; and moved to Request the City Attorney's Office to prepare a similar smoking ordinance. The Chair declared the motion died for lack of a second. Motion was made by Kooiker, second by French to request the City Attorney's Office to prepare a Resolution asking the State legislature to clarify their position on smoking in public places; and bring the Resolution to the Legal & Finance Committee meeting for consideration. Motion carried.

Alderman Kooiker reported on the deteriorating condition of Signal Drive and moved to request the Public Works Department staff to assess the condition of Signal Drive and bring a recommendation to the Public Works Committee meeting. Second by Hadley. Motion carried.

Alderman French addressed the issue of voting by telephone by Council members. Motion was made by French, seconded by Kooiker to place a moratorium on further activity of voting by telephone, by Council members, until the full Council has had an opportunity to discuss this practice. Upon a roll call vote being taken on the motion, the following voted AYE: French, Johnson, Waugh, Hadley, Olson, Partridge, and Kooiker; NO: Murphy, Chapman and Kroeger. Motion carried 7 to 3.

### ***Continued Items Consent Calendar – Items 6-25***

Motion was made by Partridge, seconded by Johnson and carried to continue the following items as indicated.

#### **Continue the following items until July 19, 2004:**

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. 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.
8. 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.
9. 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.
10. 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.
11. No. 03PL099 - A request by FMG, Inc. for Bill Freytag for a **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.
12. No. 04PL044 - A request by Sperlich Consulting Inc. for Walgar Development for a **Layout and Preliminary Plat** on Lot 2 of Block 1, Minnesota Park Subdivision, located in the SW1/4 of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Wisconsin Avenue and East Minnesota Street.
13. No. 04PL055 - A request by Sperlich Consulting Inc. for Gordon Howie for a **Preliminary Plat** on Lot 7R and Lot 8R, Holy Cow Ranch Subdivision, located in "Government" Lots 3 and 4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 7 and Lot 8, Holy Cow Ranch Subdivision, located in

"Government" Lots 3 and 4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, located along Holy Cow Ranch Road.

14. No. 04PL060 - A request by Sperlich Consulting, Inc. for Jim Scull for a **Preliminary Plat** on Lots 1 thru 14 of Block 1, Lots 1 thru 6 of Block 2, and Lot 1 of Block 3, Kennsington Heights Subdivision, located in "Government" Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot B of "Government" Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of the future intersection to Elm Avenue and Field View Drive.
15. No. 04PL065 - A request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Preliminary Plat** on Lots 1 of South Gate Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 SW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of 5th Street along Sidewinder Boulevard.
16. No. 04PL068 - A request by Centerline Inc. for Magheramore, LLC for a **Preliminary Plat** on Lots 1 thru 9, Block 1, Darlington Estates, located in the Section 34, T1N, R8E, BHM, Pennington County, South Dakota, legally described as that portion of the NE1/4 lying west of railroad right-of-way; N1/2 NW1/4; SE1/4 NW1/4; NE1/4 SW1/4, Section 34, T1N, R8E, BHM, Pennington County, South Dakota; that portion of the NE1/4 NE1/4 lying east of Old Folsom Road, Section 33, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Lamb Road and Old Folsom Road.
17. No. 04PL071 - A request by Renner & Associates for Ray Palmer for a **Preliminary Plat** on Lot 7 of Block 1 and Tract A, Palmer Subdivision, located in the SE1/4 of the NW1/4, and NE1/4 of the SW1/4, Section 14, T2N, R6E, BHM, Pennington County, South Dakota, legally described as the SE1/4 of the NW1/4, a portion of the NE1/4 of the SW1/4 and a portion of Palmer Road in Section 14, located in the SE1/4 of the NW1/4, and NE1/4 of the SW1/4, Section 14, T2N, R6E, BHM, Pennington County, South Dakota, located along Palmer Road off of Nemo Road.
18. No. 04PL076 - A request by Dream Design International Inc. for a **Preliminary Plat** on Tract 1 and Outlot A, Eastridge Subdivision, dedicated Enchantment Road, and Enchanted Pine Drive located in the NW1/4, NE1/4 Section 24, the E1/2, NW1/4, Section 24, and the NE1/4, SE1/4, NW1/4, Section 24, T1N, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted balance in the NW1/4, NE1/4 Section 24, the E1/2, NW1/4, Section 24, and the NE1/4, SE1/4, NW1/4, Section 24, T1N, R7E, BHM, Pennington County, South Dakota, located south of Enchanted Pines Road and east of Enchantment Road.
19. No. 04SV026 - A request by Centerline, Inc. for Horizon Properties, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Tract 1 of Outlot B less Lots A-C of Merchen's First Addition Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 701 East St. Patrick Street.
20. No. 04SV031 - A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; thence travel 1878.59 feet at a bearing S89°27'22"E to a point; thence travel 59.93 feet at a bearing N00°32'38"E to the Point of Beginning; travel 213.89 feet at a bearing N34°24'28"W to a point on a curve; thence travel 38.11 feet along a 210.00 foot radius Concave Northwesterly curve with a chord bearing N39°36'25"W to a point; thence travel 166.06 feet at a bearing N44°48'23"W to a point on a curve; thence travel 333.97 feet along a 190.00 foot radius Convex Northeasterly curve with a chord bearing N05°32'55"E to a point; thence travel 219.73 feet at a bearing N55°19'07"E to a point; thence travel

267.59 feet at a bearing S34°35'20"E to a point; thence travel 300.18 feet at a bearing S45°00'00"W to a point; thence travel 303.00 feet at a bearing S34°24'28"E to a point; thence travel 108.34 feet at a bearing of S45°10'38"W the Point of Beginning; said parcel contains approximately 3.23 acres more or less, located west of the western terminus of Fairmont Boulevard and north of Tower Road.

21. No. 04SV032 - A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; thence travel 1819.43 feet at a bearing S89°27'22"E to a point to the Point of Beginning; travel 164.96 feet at a bearing N45°10'32"E to a point; thence travel 301.36 feet at a bearing N45°24'39"E to a point; thence travel 210.28 feet at a bearing N54°45'23"E to a point; thence travel 48.86 feet at a bearing S15°57'26"W to a point; thence travel 406.85 feet at a bearing S00°46'13"W to a point; thence travel 484.47 feet at a bearing N89°27'22"W to the Point of Beginning; and, commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; thence travel 1819.43 feet at a bearing S89°27'22"E to a point to the Point of Beginning; travel 484.47 feet at a bearing S89°27'22"E to a point; thence travel 121.99 feet at a bearing S00°46'13"W to a point; thence travel 282.52 feet at a bearing S75°51'59"W to a point on a curve; thence travel 420.51 feet along a 437.22 foot radius Concave Southwesterly curve with a chord bearing S65°50'38"W to a point; thence travel 27.01 feet at a bearing N54°20'05"W to a point on a curve; thence travel 173.71 feet along a 100.00 foot radius Convex Northwesterly curve with a chord bearing N04°34'14"W to a point; thence travel 273.99 feet at a bearing N45°10'32"E to the Point of Beginning; said parcel contains approximately 5.60 acres more or less, located west of the western terminus of Fairmont Boulevard and north of Tower Road.
22. No. 04SV034 - A request by Renner & Associates for Ray Palmer for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer, pavement and water as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 7 of Block 1 and Tract A, Palmer Subdivision, located in the SE1/4 of the NW1/4, and NE1/4 of the SW1/4, Section 14, T2N, R6E, BHM, Pennington County, South Dakota, legally described as the SE1/4 of the NW1/4, a portion of the NE1/4 of the SW1/4 and a portion of Palmer Road in Section 14, located in the SE1/4 of the NW1/4, and NE1/4 of the SW1/4, Section 14, T2N, R6E, BHM, Pennington County, South Dakota, located along Palmer Road off of Nemo Road.
23. No. 04VE010 - A request by Steven Thingelstad for Western Management Corporation for a **Vacation of Major Drainage Easement** on Lot 2 of Block 2 of Parkridge Village Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Park Drive.

Continue the following items until August 2, 2004:

24. No. 04PL072 - A request by Donald Potts for a **Layout Plat** on Lot 1 and Lot 2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4 less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 6105 Covenant Drive.
25. No. 04SV035 - A request by Donald Potts for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement and additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 and Lot 2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4 less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 6105 Covenant Drive

End of Continued Items Consent Calendar

### ***Alcoholic Beverage License Applications***

Mayor Shaw opened the public hearing on the following license applications:

#### ***On-Off Sale Malt Beverage License Renewals – No Video Lottery***

Mann, Inc. dba **Roadhouse Nightclub & Grill**, 1900 N. Maple Avenue, for an On-Off Sale Malt Beverage License Renewal

#### ***Special Malt Beverage and Wine Licenses***

Children's Care Rehab & Dev Center, for a Special Malt Beverage and Wine License, to be used on August 11, 2004 at Legend Air Suspension 1820 Samco Road

Motion was made by Kroeger, seconded by Hadley and carried to close the hearings.

Motion was made by Hadley, seconded by Kroeger and carried to acknowledge the withdrawal of the license renewal application for Mann, Inc. dba **Roadhouse Nightclub & Grill**, 1900 N. Maple Avenue, for an On-Off Sale Malt Beverage License Renewal.

Motion was made by Hadley, seconded by Kroeger and carried to approve the Children's Care Rehab & Dev Center, for a Special Malt Beverage and Wine License, to be used on August 11, 2004 at Legend Air Suspension 1820 Samco Road.

#### ***Set for Hearing***

Motion was made by Hadley, seconded by Johnson and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearing to be held on Monday, July 19, 2004 - ***On-Off Sale Malt Beverage License***, Wal-East Development, Inc. dba **Jackpot Casino**, 1415 N. LaCrosse Street for a On-Off Sale Malt Beverage License; ***On-Off Sale Malt Beverage License Renewals – No Video Lottery***, Rory A. Schoenheider dba **Red's Savoy Pizza**, 510 St. Joseph Street for an On-Off Sale Malt Beverage License; and ***Special Malt Beverage and Wine Licenses***, **American Academy for Trial Lawyers**, for a Special Malt Beverage and Wine License, to be used on July 23, 2004 at the Prairie Edge, 606 Main Street

#### ***Consent Calendar Items – 28-66***

The following items were removed from the Consent Calendar:

31. Recommend an audit of the Professional Service Agreement for the Stoney Creek Booster Station.
36. No. PW062904-03 Approve Change Order No. 01 for Sheridan Lake Road Panel Replacement Project No. STCM03-1294 to Simon Contractors of South Dakota, Inc. for an increase of \$5,286.48.
39. Request the City Attorney's Office to review the language of reimbursable costs in Professional Service Agreements; research previous Council action relative to reimbursable costs, and bring forward a recommendation on the removal of reimbursable costs in the Professional Service Agreements.

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

#### ***Set for Hearing (August 2, 2004)***



28. No. 04VR002 - A request by Alliance of Architects and Engineers for the Rapid City Journal to consider an application for a **Vacation of Right-of-Way** on Lots 1 thru 32, Block 79, Original Townsite of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 507 Main Street.
29. No. 04VR003 - A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for a **Vacation of Section Line Highway** on property described by metes and bounds as commencing from the northwest corner of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence S0°07'54.5"W a distance of 1141.567 feet along the section line to a point at which the section line intersects the eastern right of way of proposed Parkview Drive alignment, thence northeasterly along a chord with a bearing of N12°22'24"E a distance of 155.636 feet to the true point of beginning at the intersection of the eastern section line right of way with the proposed Parkview Drive right of way. Thence S0°07'54.5"W, 957.876 feet to the intersection of the east section line right of way and Sidewinder Blvd right of way, thence S78°54'16"W, 4.39 feet, to the southwest corner of Lot 1 of South Gate Subdivision, thence northwesterly along a curve with a delta of 10°26'33.5", a radius of 1021.00 feet, and a length of 186.085 feet with a chord bearing of N19°15'29.3"W and a chord distance of 185.828 feet to the intersection of the western section line right of way and eastern Fifth Street right of way, thence N0°07'54.5"E, 553.742 feet to the intersection of the western section line right of way and proposed eastern Parkview Drive right of way, thence northeasterly along a curve with a delta of 7°34'43.2", a radius of 638.00 feet, and a length of 84.39 feet with a chord bearing of N23°10'06.9"E and a chord length of 84.328 feet to the point of beginning, located east of 5th Street along Sidewinder Boulevard.

### ***Public Works Committee Consent Items***

30. Approve a request for an exception to the Street Design Criteria Manual for Benjamin Doughty on Lot 19, Block 2, Robbinsdale Addition No. 9.
32. Request staff to bring forward to the July 13, 2004 Public Works Committee meeting a recommendation on the manpower needed to implement the City's Pavement Management System to its fullest.
33. Request the South Dakota Department of Transportation to restore on-street parking along Fifth Street from the railroad tracks south to Saint Joseph Street.
34. No. PW062904-01 Approve Change Order No. 01 for Fifth Street Extension Project No. ST00-914 & Catron Blvd. Project No. ST01-1095 to Zandstra Construction for an increase of \$11,321.83.
35. No. PW062904-02 Approve Change Order No. 01 for Southeast Connector Water & Sewer Reconstruction Project No. SSW02-1137 to Heavy Constructors, Inc. for an increase of \$47,520.75.
37. No. PW062904-04 Approve Change Order No. 01 and Final for Rapid City Library Remodel and Chiller Replacement Project No. IDP03-1337 to Action Mechanical, Inc. an increase of \$305.00.
38. No. PW062904-05 Authorize staff to advertise for bids for Dahl Fine Arts Center Expansion, Elevator Replacement Project No. IDP04-1367.
40. No. PW062904-07 Authorize Mayor and Finance Officer to sign a Professional Service Agreement with FMG, Inc. to design Tallent Street Water Main Reconstruction, Walnut to East Meade Street Project No. W04-1263 for an amount not to exceed \$47,270.
41. No. PW062904-08 Set Time and Place for Hearing on August 2, 2004 for Assessment Roll for Una Del Water Main Extension Project No. SSW00-943.
42. Approve the request from Northdale Sanitary District to annex only Lot C with the stipulation that the overall lots not exceed 150 lots.
43. No. 04TP011 Authorize staff to advertise a Request for Proposals for the Rapid City Area Long Range Transportation Plan.
44. Request the Rapid Transit System to continue the Saturday Dial-A-Ride service until the end of 2004.

### ***Legal & Finance Committee Consent Items***

45. No. LF063004-01 Authorize Mayor and Finance Officer to sign User License Agreement for ASCLD/LAB Accreditation Manual with American Society of Crime Laboratory Directors.
46. No. LF063004-03 Authorize Mayor and Finance Officer to sign Medical Director Contract for Ambulance Service with Dr. Kelly Manning.
47. No. LF063004-05 Authorize Mayor and Finance Officer to sign Joint Power Fire Protection Agreement Addendum.
48. No. LF022504-18 Request staff to revise the sign ordinance to include language for joint identification signs for shopping centers or for three or more businesses sharing parking areas regardless of whether they are under separate ownership. Each area will be allowed one freestanding or ground sign per street frontage. Off premise signs will not be allowed within the identified area.
49. No. LF063004-02 Authorize Mayor and Finance Officer to sign Maintenance Agreement with Century Business Products, Inc.
50. No. LF063004-08 Approve Resolution to Establish the Non-Union Position of Landfill Operations Supervisor.

#### RESOLUTION TO ESTABLISH THE NON-UNION POSITION OF LANDFILL OPERATIONS SUPERVISOR

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

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

Job Title	Grade	Salary
Landfill Operations Supervisor	20	\$42,723 to \$65,000/yr.

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.

Dated this 6<sup>th</sup> day of July, 2004

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

51. No. LF063004-07 Approve proposal to establish the Aquatics Division within the Department of Parks and Recreation.
52. No. LF063004-09 Approve a Resolution to Establish the Non-Union Position of Aquatics Division Manager.

#### RESOLUTION TO ESTABLISH THE NON-UNION POSITION OF AQUATICS DIVISION MANAGER

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

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

Job Title	Grade	Salary
Aquatics Division Manager	21	\$44,844 to \$68,244/yr.

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.

Dated this 6<sup>th</sup> day of July, 2004

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

53. No. LF063004-10 Approve a Resolution to Amend the AFSCME Union Compensation Wage Plan to Establish the Position of Recreation Facility Maintenance Operations Worker I, II, & III.

RESOLUTION TO AMEND THE  
AFSCME UNION COMPENSATION WAGE PLAN  
TO ESTABLISH THE POSITION OF  
RECREATION FACILITY MAINTENANCE  
OPERATIONS WORKER I, II, & III

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

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

Job Title	Grade	Wage
Recreation Facility Maintenance Operations Worker I	9	\$12.01 to \$18.27/hr.
Recreation Facility Maintenance Operations Worker II	11	\$13.24 to \$20.14/hr.
Recreation Facility Maintenance Operations Worker III	12	\$13.90 to \$21.15/hr.

WHEREAS, the position of Recreation Facility Maintenance Operations Worker shall be deleted from the pay scale; and

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

Dated this 6<sup>th</sup> day of July, 2004

ATTEST:

s/ James F. Preston  
Finance Officer  
(SEAL)

54. No. LF063004-11 Approve a Resolution to Amend the Salary Schedule for the Non-Union Position of Recreation Division Manager.

RESOLUTION TO AMEND THE SALARY SCHEDULE FOR  
THE NON-UNION POSITION  
OF RECREATION DIVISION MANAGER

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

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

Job Title	Grade	Salary
Recreation Division Manager	21	\$44,844 to \$68,244/yr.

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.

Dated this 6<sup>th</sup> day of July, 2004

ATTEST:

s/ James F. Preston  
Finance Officer  
(SEAL)

55. No. LF060204-03 Approve a Funding Policy for Recreation Field Improvement Projects (i.e. irrigation).
56. Approve the following licenses: Mechanical Apprentice: Anthony Krebs; Mechanical Contractor: Jesse Horst, Accurate Heating & Air; Mechanical Installer: Jesse Horst; Plumbing Contractor: Michael K. Lindberg, MKL Plumbing, Inc.; Plumber: Scott Piebenga; Plumbing Apprentice: Tyrel Wade Akley; Residential Contractor: Baumberger Construction, Robert L. Baumberger; Fortified Homes, Inc., Brenen Brown & Cody Burton; Sewer and Water Contractor: Jamie Gerlach, All Around Construction; Sewer and Water Journeyman: Donald Krebs; Trenching Contractor: Cody Schad, Schad Construction, Inc.

***Planning Department Consent Items***

57. No. 04AN005 - A request by Bill Freytag for a **Petition for Annexation** on property described by metes and bounds as beginning at the northeast corner of Lot 1, Block 4, Tyler Knue Subdivision; thence first course: N00°17'18"E a distance of 131.86 feet; thence second course: N89°36'51"W a distance of 145.05 feet; thence third course:

S00°17'18"W a distance of 132.11 feet; thence fourth course: S89°44'51"E a distance of 145.05 feet to the point of beginning; located in the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel of land contains 0.440 acres more less, located at 900 Nicole Street.

#### A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing .440 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

Beginning at the northeast corner of Lot 1, Block 4, Tyler Knue Subdivision; thence first course: N00°17'18"E a distance of 131.86 feet; thence second course: N89°36'51"W a distance of 145.05 feet; thence third course: S00°17'18"W a distance of 132.11 feet; thence fourth course: S89°44'51"E a distance of 145.05 feet to the point of beginning; located in the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota

Dated this 6<sup>th</sup> day of July, 2004

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

58. 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. (STAFF RECOMMENDS THAT THE FINAL PLAT BE DENIED WITHOUT PREJUDICE.)
59. No. 04PL016 - A request by Renner & Associates for Barry Peterson for a **Preliminary Plat** on Lots A, B, and C of Lots 4R and 5R, Sale Barn Subdivision located in the SE1/4 NW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 4R and 5R of Sale Barn Subdivision located in the SE1/4 NW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Kennel Drive along Centre Street. (APPROVE THE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS.) 1. Prior to Preliminary Plat approval by the City Council, a utility plan shall be submitted for review and approval. In particular, the utility plan shall show the location of the existing water and sewer lines as well as the proposed separate service lines to each lot. In addition, the utility plan shall show the location of private utilities; 2. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall be in accordance with the Perrine Drainage Basin Design Plan. In addition, the

drainage plan shall include the calculated local run-off and verify that the east drainage channel matches the requirements of the Perrine Drainage Basin Design Plan. The drainage plans shall also identify the construction of drainage channel(s) as needed and the plat document shall be revised to show drainage easements as needed; 3. Prior to Preliminary Plat approval by the City Council, road construction plans for Centre Street shall be submitted for review and approval. In particular, the road construction plans shall show Centre Street with a minimum 26 foot wide paved surface, curb, gutter, street light conduit and storm sewer or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 5. Prior to submittal of the Final Plat, the plat document shall be revised to show a non-access easement along Centre Street except for the approved shared approach location; and, 6. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

60. No. 04PL023 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien for a **Preliminary Plat** on Lots 1 through 16 inclusive and Drainage Lot A of Block 10 of Fairway Hills P.R.D. and dedicated right-of-way all located in the SW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as all of Lot 3, all of Lot DE1 of Lot 3A and a portion of Lot 3A of Fairway Hills P.R.D., and a portion of the unplatted portion of the NW1/4 SW1/4 of Section 15, T1N, R7E, BHM of Fairway Hills P.R.D. all located in the W1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive. (APPROVE THE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS.) 1. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the existing twenty foot wide permanent utility easement for the high pressure main. In addition, the plat document shall show the vacation and/or relocation of the easement as needed; 2. Prior to Preliminary Plat approval by the City Council, a pavement design with supporting geotechnical information shall be submitted for review and approval. 3. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to include street light conduit or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the bulb of the two cul-de-sacs posted with "No Parking" signs; 5. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Engineering Division; 6. Prior to Preliminary Plat approval by the City Council, a Major Amendment to the Fairway Hills Planned Residential Development shall be obtained to allow a townhome development in lieu of the previously approved garden homes development; 7. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of additional right-of-way along Sheridan Lake Road from 14 feet to two feet as needed to provide the minimum required right-of-way for a principal arterial street or a Variance to the Subdivision Regulations shall be obtained; 8. Upon submittal of the Final Plat, the plat document shall be revised to show a non-access easement along Fairway Hills Drive, Heidiway Lane and all corner lots as per the Street Design Criteria Manual or a Special Exception shall be obtained; 9. A Special Exception is hereby granted to allow curb side sidewalks in lieu of property line sidewalks as per the Street Design Criteria Manual; 10. A Special Exception to allow individual residential water shut-offs within the front eight foot wide utility and minor drainage easement is hereby denied; 11. Upon submittal of the Final Plat, the plat document shall be revised to show the north-south street either as Carmel Crest or Carmel Point; 12. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; 13. All Uniform Fire Code shall be continually met; 14. Prior to the start of any construction within the area of the property located within the 100 year federally designated floodplain, a Letter of Map Revision shall be obtained from the Federal Emergency Management Agency. In addition, a Floodplain Development Permit shall be obtained as necessary; 15. Prior to submittal of a Final Plat, the applicant shall enter into an agreement with the City for the reimbursement of the

Heidiway Lane sanitary sewer extension project; and, 16. Prior to submittal of a Final Plat, the applicant shall enter into a cost sharing agreement with the City for necessary off-site water extensions to help extend the capacity of the existing Southwest Pressure Zone System if this zone is needed to serve the development;

61. No. 04PL059 - A request by Sperlich Consulting, Inc. for Doeck, LLC for a **Preliminary Plat** on Blocks 3 thru 7 of Lots 5, Lots 1 thru 4 of Block 7, Auburn Hills Subdivision, and Major Drainage Easement in the NW1/4 of the SW1/4 of 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 the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Auburn Drive and Coal Bank Drive. (APPROVE THE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS.) 1. Prior to Preliminary Plat approval by the City Council, necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; 2. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; 3. Prior to Preliminary Plat approval by the City Council, a drainage report including calculations shall be submitted for review and approval or an addendum to the existing report shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by the City Council, a revised Master Plan for the unplatted balance shall be submitted for review and approval. In particular, the Master Plan shall identify the extension and location of Cool Bank Drive through the property; 5. Prior to submittal of a Final Plat application, miscellaneous documents securing access easements for the temporary turnaround(s) shall be recorded at the Register of Deed's Office. In addition, a copy of the recorded access easements shall be submitted with the Final Plat application; 6. Prior to submittal of a Final Plat application, a miscellaneous document securing a drainage easement on a portion of the unplatted balance shall be recorded at the Register of Deed's Office. In addition, a copy of the recorded drainage easement shall be submitted with the Final Plat application; and, 7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
62. No. 04PL070 - A request by Renner & Associates for the Canyon Lake Senior Citizen Center for a **Layout Plat** on Tract 1, Canyon Lake Senior Citizens Center, located in the NW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2900 Canyon Lake Drive. (APPROVE THE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS.) 1. Prior to Layout Plat approval by the City Council, the applicant shall submit written permission from the Department of Interior to plat the property as proposed; 2. Prior to submittal of a Final Plat, the plat document shall be revised to show owner's certificates with the signatures of all the owners of record; 3. Upon submittal of a Preliminary Plat, topographic information shall be submitted for review and approval; 4. Upon submittal of a Preliminary Plat, a structural site plan shall be submitted for review and approval. In particular, the site plan shall show all existing structures as well as the bike bath currently located on the property; 5. Upon submittal of a Preliminary Plat, a Utility Master Plan shall be submitted for review and approval. In particular, the location of all existing and proposed private and public water mains and service lines and the location of all existing and proposed public sewer mains and service lines shall be identified. In addition, the Utility Master Plan shall show all existing and proposed private utilities (i.e., electric, telephone, cable, etc.). The plat document shall also be revised to provide utility easements as needed; 6. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the City well located on proposed Tract 1 within a utility easement or a well lot; 7. Upon submittal of a Preliminary Plat, the plat document shall be revised to show a bike path easement for the existing bike path located on the property; 8. Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed; 9. Upon submittal of a Preliminary Plat, construction plans for Canyon Lake Drive shall be

submitted for review and approval. In particular, the construction plans shall show the construction of a sidewalk along the north side of Canyon Lake Drive as it abuts the subject property or a Variance to the Subdivision Regulations shall be obtained; 10. Upon submittal of a Preliminary Plat, a subdivision estimate form shall be submitted for review and approval; 11. Prior to submittal of a Final Plat, the plat document shall be revised to show title certificates for a Final Plat. In particular, a "Certificate of Finance Officer" identifying that all special assessments are fully paid on the subject property shall be added; and 12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

63. No. 04PL075 - A request by Bill Freytag for a **Preliminary Plat** on Lot 1R, Block 4, Tyler Knue Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Block 4, Tyler Knue Subdivision and a portion of the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 900 Nicole Street. (APPROVE THE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS.) 1. Prior to Preliminary Plat approval by the City Council, construction plans for the northern 131.86 feet of Brooke Street shall be submitted for review and approval. In particular, the construction plans shall show Brooke Street constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; 3. Prior to submittal of a Final Plat, the plat document shall be revised to show the previously vacated section line highway located along the north lot line; 4. Prior to submittal of a Final Plat, the plat document shall be revised to show title certificates for a Final Plat; and, 5. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
64. No. 04VE011 - A request by Mike Bartels for Alice Laselle for a **Vacation of Utility Easement** on Lot 3, Parker's Subdivision in the NW1/4, SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at 3963 East Highway 44.

#### RESOLUTION OF VACATION OF UTILITY EASEMENT

WHEREAS it appears that the utility easement on Lot 3, Parker's Subdivision in the NW1/4, SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3963 East Highway 44, is not needed for public purposes; and

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

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

Dated this 6<sup>th</sup> day of July, 2004

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor



## **Raffle**

65. Acknowledge sale of raffle tickets, August 7 – 14, 2004 for 2005 Harley Davidson motorcycle, Greater South Dakota Chapter of the Muscular Dystrophy Association
66. Acknowledge sale of raffle tickets, August 1 – 8, 2004 for 50/50 daily drawing, Youth & Family Services Early Head Start Parent Association

## **END OF CONSENT CALENDAR**

Motion was made by Johnson, seconded by Murphy and carried to acknowledge sale of raffle tickets for a Ford F150 pick up, second prize big screen TV, third prize \$1,000 cash, fourth prize \$500 cash, Black Hills Home Builders Association.

Alderman Murphy commented he would not support an audit of the Professional Service Agreement for the Stoney Creek Booster Station. City Finance Officer Preston explained a typical audit includes a review the Council minutes to see that Council approved the agreement; payments were made in accordance with the agreement; ascertain that federal/state requirements were followed; review payments and cancelled checks. Estimated cost for a typical audit would be approximately \$500. Preston also explained an audit to answer questions such as whether the tax payers paid a fair price or whether a firm was qualified to construct a particular project would cost several thousands of dollars. Alderman Kooiker commented on the consultant selection process suggesting it was not followed regarding the Stoney Creek Booster Station project. He indicated it was necessary to proceed with a compliance audit. Motion was made by Kooiker, seconded by French to request staff to proceed with a full compliance audit on the Professional Service Agreement for the Stoney Creek Booster Station. Mayor Shaw asked for a clarification on available funding. City Attorney Green advised that when an audit contract is presented, Council could identify a funding source at that time. Alderman Hadley called the question; there being no objection, a roll call vote was taken. The following voted AYE: French, Johnson, Chapman, Waugh, Hadley, Olson, Partridge and Kooiker; NO Murphy and Kroeger. Motion carried 8 to 2.

Alderman Waugh addressed No. PW062904-03 Approve Change Order No. 01 for Sheridan Lake Road Panel Replacement Project No. STCM03-1294 to Simon Contractors of South Dakota, Inc. for an increase of \$5,286.48 questioning the \$2,130 included for flagging. He indicated he had not seen flagman on this project during the times he had occasion to drive through the project. Motion was made by Waugh, seconded by Hadley to approve Change Order No. 01 for Sheridan Lake Road Panel Replacement Project No. STCM03-1294 to Simon Contractors of South Dakota, Inc. for an increase of \$3,156.48. Motion carried.

Assistant City Attorney Landeen reported the City Attorney's Office reviewed the language of reimbursable costs in the Professional Service Agreements; researched previous Council action relative to reimbursable costs, and advised that any agreement approved have funds allocated and reimbursable costs included in the amount not to exceed. Motion was made by Kooiker, seconded by French that reimbursable costs must be submitted at the time an agreement is negotiated, and will be included in the dollar amount not to exceed. Substitute motion was made by Johnson, seconded by Waugh and carried to Request staff to bring forward at a Public Works Committee meeting, a written policy on reimbursable costs.

Motion was made by Johnson, seconded by Murphy and carried to Acknowledge sale of raffle tickets for a Ford F150 pick up, second prize big screen TV, third prize \$1,000 cash, fourth prize \$500 cash, Black Hills Home Builders Association.

## **Planning Department Items**

Motion was made by Kooiker, seconded by French and carried to Authorize the Mayor and Finance Officer to sign a waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Brooke Street as it abuts Lot 1, Block 4, Tyler Knue Subdivision and a portion of the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and a parcel of land described

by metes and bounds as beginning at the northeast corner of Lot 1, Block 4, Tyler Knue Subdivision; thence first course: N00°17'18"E a distance of 131.86 feet; thence second course: N89°36'51"W a distance of 145.05 feet; thence third course: S00°17'18"W a distance of 132.11 feet; thence fourth course: S89°44'51"E a distance of 145.05 feet to the point of beginning; located in the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 900 Nicole Street. (04SV036)

The Mayor presented No. 04SV036 a request by Bill Freytag for a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code on Lot 1R, Block 4, Tyler Knue Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Block 4, Tyler Knue Subdivision and a portion of the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and a parcel of land described by metes and bounds as beginning at the northeast corner of Lot 1, Block 4, Tyler Knue Subdivision; thence first course: N00°17'18"E a distance of 131.86 feet; thence second course: N89°36'51"W a distance of 145.05 feet; thence third course: S00°17'18"W a distance of 132.11 feet; thence fourth course: S89°44'51"E a distance of 145.05 feet to the point of beginning; located in the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 900 Nicole Street. Motion was made by Kooiker, seconded by French and carried to approve with the following stipulations: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

### ***Ordinances & Resolutions***

**Ordinance No. 4073**, entitled An Ordinance to Adopt with Amendments the Campaign Finance Disclosure Requirements of SDCL Chapter 12-25 by Amending Section 2.32.020 of the Rapid City Municipal Code (No. LF061604-03), was introduced. Upon motion made by French, seconded by Hadley, Ordinance 4073 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, July 19, 2004. Sandy Herr, 3810 Meadowbrook Drive addressed the Council offering support of the proposed amendment and supplied Council with a copy of a Sioux Falls ordinance and comments from Secretary of State Nelson. Barbara Burdo, 3420 Corral Drive encourage yearly reporting. Stacey Wollman, 5142 Greenwood Lane encouraged the adoption of the ordinance with a minimum of monthly or quarterly reporting with a maximum of yearly reporting. Motion was made by Partridge, seconded by Waugh to amend the ordinance to change the date of January 15<sup>th</sup> to January 30<sup>th</sup>. Upon a vote being taken on the motion, motion carried. Upon a vote being taken on the motion as amended, motion carried with Johnson voting NO.

**Ordinance No. 4072**, Repealing Chapter 15.12 of the Rapid City Municipal Code in its Entirety and Adopting a New Chapter 15.12 of the Rapid City Municipal Code Entitled Building Codes Adopted (No. LF061604-08), having passed the first reading on June 21, 2004, it was moved by Partridge, seconded by Kroeger that the title be read the second time. City Attorney Green asked for consideration of the following amendment to the ordinance: Be It Further Ordained by the City of Rapid City that Tables 100-D and 100-E are amended by adding the following language: For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater. Substitute motion was made by Johnson, seconded by Waugh to approve the amendment to the ordinance. Motion carried. Upon a vote being taken on the motion as amended, the following voted AYE: French, Murphy, Johnson, Chapman, Kroeger, Waugh, Hadley, Olson, Partridge and Kooiker; NO: None, whereupon the Mayor declared the motion passed and Ordinance 4072 was declared duly passed upon its second reading.

### ***Legal & Finance Committee Items***

Motion was made by Partridge, seconded by Waugh to approve the Assignment of the Civic Center ground lease with the stipulation that Mr. Lester personally guarantee the obligations of the lease. City Attorney Green advised the Civic Center Board has considered the matter and recommends approval of the assignment with noted stipulation. Motion carried.

Motion was made by Hadley, seconded by Waugh to request staff to research whether the Civic Center ground lease is appropriated to the Civic Center or to the General Fund. Motion carried.

### ***Public Works Committee Items***

Motion was made by Kooiker, seconded by Waugh to refer the Issues of standing water; legality of enforcement within the current ordinance; ordinance amendment recommendations to the Public Works Committee. City Attorney Green requested additional time for the research, and suggested the first meeting in August for the review. Substitute motion was made by Johnson, seconded by Kroeger to refer the Issues of standing water; legality of enforcement within the current ordinance; ordinance amendment recommendations to the August 10, 2004 Public Works Committee meeting. Motion carried with French voting NO.

Motion was made by Kooiker, seconded by French to deny a Request from the Pennington County Commission asking that the two-hour parking restriction on 4<sup>th</sup> Street between Saint Joseph and Kansas City Street be eliminated and restored to its original designation. Comments followed relative to existing parking zones in the area and the construction of the parking ramp. Motion carried.

Motion was made by Kooiker, seconded by French to Deny No. PW062904-06 Authorize Mayor and Finance Officer to sign Amendment No. 01 and Final to Professional Service Agreement with Lund Associates for reimbursable costs for the design and construction administration of Roosevelt Park Pool and Recreation Complex Project No. PR02-1208 for an amount not to exceed \$1,883.40. Alderman Johnson spoke in opposition to the motion suggesting the City needed to act in good faith. Acting Public Works Director Vore explained this was an omission in the minutes when Council approved the agreement. He reported funds available for this amended agreement. At this time, with the consent of the Council, Kooiker withdrew his motion. Motion was made by Hadley, seconded by Partridge and carried to Authorize Mayor and Finance Officer to sign Amendment No. 01 and Final to Professional Service Agreement with Lund Associates for reimbursable costs for the design and construction administration of Roosevelt Park Pool and Recreation Complex Project No. PR02-1208 for an amount not to exceed \$1,883.40 (No. PW062904-06).

### ***CIP Committee Items***

(Information only) Finance Officer Preston presented No. CC070604-02 a Report on the June 25, 2004 CIP Committee Meeting. He explained changes to the 2004 Street and Drainage and reported the approval of the 5-Year Plan with the recommendation this plan be presented to the Planning Commission.

Motion was made by Partridge, seconded by Waugh and carried to approve No. CC070604-02 Changes to the 2004 Street & Drainage Line Item as listed in the spreadsheet dated June, 2004.

Motion was made by Waugh, seconded by Hadley and carried to refer No. CC070604-02 Five Year Plans for Government Buildings, Streets & Drainage, and Parks & Recreation to the Planning Commission.

### ***Approval of Bills***

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

Payroll Paid Ending 06-12-04, Paid 06-18-04	703,374.34
Payroll Paid Ending 06-30-04, Paid 06-30-04	1,054,646.13
Payroll Paid Ending 06-26-04, Paid 07-02-04	691,949.11

CDEV P/Roll Period Ending 06-12-04, Paid 06-18-04	1,580.80
CDEV P/Roll Period Ending 06-26-04, Paid 07-02-04	1,580.80
Pioneer Bank, Taxes Paid 06-18-04	172,480.12
Pioneer Bank, Taxes Paid 06-30-04	262,919.58
Pioneer Bank, Taxes Paid 07-02-04	167,271.54
CDEV Pioneer Bank, Taxes Paid 06-18-04	119.78
CDEV Pioneer Bank	119.78
First Administrators, claims paid 06-22-04	54,244.74
First Administrators, claims paid 06-30-04	61,044.95
1 <sup>st</sup> National Bank/Sioux Falls, SRF Loan Payment	388,219.18
Pennington County Auditor, PSB Construction & Parking	211,158.72
Wells Fargo Corporate Card, Credit Card Charges	1,656.76
Black Hills Power & Light, electricity	96,365.19
MDU, gas service	4,459.97
Computer Bill List	3,136,902.27
Total	<u>\$7,010,093.76</u>

Payroll Paid Ending 06-12-04, Paid 06-18-04	2,700.60
Payroll Paid Ending 06-26-04, Paid 07-02-04	2,740.80
Pioneer Bank, Taxes Paid 06-18-04	195.45
Pioneer Bank, Taxes Paid 07-02-04	198.78
City of Rapid City, postage	9.61
Conoco Phillips, gasoline	137.57
Dakota Business Center, copier maintenance	6.28
Connie Ewing, Conference Travel	64.00
Johnson Machine, auto repair	12.28
Marlin Leasing, copier lease	7.27
Angie Weeks, Conference Travel	82.69
Western Stationers, copy paper	12.31
Total	<u>\$7,016,261.40</u>

Rapid City Area Economic Development, 2 <sup>nd</sup> Quarter Subsidy	56,250.00
Heavy Constructors, Change Order, SE Connector	14,750.00
Simon Contractors, Change Order, Sheridan Lake Road	3,156.48
Total	<u>\$7,090,417.88</u>

### ***Public Works Director's Items***

Motion was made by Waugh, seconded by French and carried to declare an emergency repair and authorize staff to seek informal quotes for CoCompost Facility Service Doors Replacement Project No. SW004-1417.

### ***City Attorney's Items***

Motion was made by Hadley, seconded by Waugh and carried to go into Executive Session to discuss pending litigation and personnel matters. No formal motion was expected from the executive session.

As there was no further business to come before the Council at this time, the meeting adjourned at 10:32 P.M.

ATTEST:

CITY OF RAPID CITY

\_\_\_\_\_  
Finance Officer

\_\_\_\_\_  
Mayor

(SEAL)