

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

July 19, 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, July 19, 2004 at 7:00 P.M.

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

Staff members present included City Finance Officer Jim Preston, Acting Public Works Director Ted Vore, City Attorney Jason Green, Parks and Recreation Director Jerry Cole, Fire Chief Gary Shepherd and Administrative Assistant Jackie Gerry.

Approval of Minutes

Motion was made by Murphy, seconded by French to approve the minutes of July 6, 2004 and Special Council of July 13, 2004; and correct minutes of June 21, 2004 to reflect correct legal description for No. 03PL094 - Plat on Lot 2, Moon Ridge Subdivision, located in the NE1/4 of the **NE1/4**, Section 34, T1N,R7E, BHM, Rapid City, Pennington County, South Dakota, **formerly** described as 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. Motion carried.

Adoption of the Agenda

The following items were added to the agenda:

- Executive Session to discuss pending litigation and contractual matters

Motion was made by French, seconded by Murphy and carried to adopt the agenda as amended.

Awards and Recognitions

Mayor Shaw presented the Citizen of the Month Award to Gorgie Paulhamus and commended her for outstanding volunteer service to the community.

Mayor Shaw presented the Veteran of the Month Award to Dean E. Pelofske and commended him for outstanding service to the country.

General Public Comment

Bob DeMersseman briefed the Council on the activities of the **Economic Development Office** and gave a history of the organization and the programs it offers.

Bid Openings

The following companies submitted bids for No. CC071904-01 **2004 Mill & Overlay Projects for Various Locations, Project No. ST04-1396**: 1) J & J Asphalt Company; 2) Hills Materials Company; and 3) Simon Contractors of South Dakota, Inc. Staff has reviewed the bids and recommends award to J & J Asphalt Company. Motion was made by Hadley, seconded by Murphy and carried to award 2004 Mill & Overlay Projects for Various Locations, Project No. ST04-1396 to the lowest responsible bidder meeting specifications, J & J Asphalt Company, based on their low unit prices bid for a total contract amount of \$178,137.75.

The following companies submitted bids for No. CC071904-01 **Fitzgerald Stadium Parking Lot Overlay Project No. PR04-1400**: 1) J & J Asphalt Company; 2) Hills Materials Company; and 3) Simon Contractors of South Dakota, Inc. Staff has reviewed the bids and recommends award to Hills Materials Company. Motion was made by Kroeger, seconded by French and carried to award Fitzgerald Stadium Parking Lot Overlay Project No. PR04-1400 to the lowest responsible bidder meeting specifications, Hills Materials Company, based on their low unit prices bid for a total contract amount of \$63,204.

The following companies submitted bids for No. CC071904-01 **Street Division Sand/Salt Storage Building #3 Project No. IDP04-1408**: 1) Lost Cabin-Lipp Construction, LLC; 2) McCarthy Anderson, Inc.; 3) Corr Construction Services, Inc.; and 4) Scull Construction Service, Inc. Staff has reviewed the bids and recommends award to Lost Cabin-Lipp Construction, LLC; contingent upon \$10,750 being paid from the CIP Contingency. Motion was made by Johnson, seconded by Murphy and carried to award Street Division Sand/Salt Storage Building #3 Project No. IDP04-1408 to the lowest responsible bidder meeting specifications, Lost Cabin-Lipp Construction, LLC, based on their low unit prices bid for a total contract amount of \$175,750; and appropriate \$10,750 from CIP Contingency.

Items from Council Members/Liaison Reports

Mary Alice Noble, **2023 Twin Elms Drive** addressed the Council describing damages to her home sustained in a recent flood. With the aid of a video, she showed the flooding of her property. She explained this flooding occurred because of a City's construction project in her neighborhood. She explained a storm culvert was plugged with debris and the drainage ditch had been altered during the City's construction project, causing the flooding of her property and home. She asked the City to make the contractor, RCS Construction, responsible for the damages. Mayor Shaw indicated the City and its staff would remain responsive to correcting the drainage issue and would keep the City Council updated on all corrective measures.

Alderman Kooiker reminded the Council of its previous action to request staff of the Public Works Department and the Department of Parks and Recreation to discuss with Chris Orr, Rapid Weather new and more efficient **measures for water conservation**. He suggested weather forecasting is more accurate in predicting specific rainfall amounts that would help in making more informed watering decisions. Jeff Davis, David Fisher and Julie Pearson addressed the Council indicating their concern with the water levels in the Pactola Reservoir and asked the City to actively promote water conservation among all water right users. Motion was made by French, seconded by Hadley and carried to request the Mayor's Office to appoint a Task Force to address the City's water conservation measures.

Continued Items Consent Calendar – Items 8-28

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

Continue the following items until August 2, 2004:

8. 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.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.

16. 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.
17. 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.
18. 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.
19. 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 Pine Road and east of Enchantment Road.
20. No. 04PL082 - A request by Centerline, Inc. for Horizon Properties, Inc. for a **Preliminary Plat** on Lot 1 of Horizon Subdivision located in NE1/4 NW1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of Outlot B less Lots A, B & C of Merchen's First Addition located in NE1/4 NW1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 701 East St. Patrick Street.
21. No. 04PL085 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 3, Block 1, Collins Estates, located in the N1/2 N1/2 NE1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota, legally described as N1/2 N1/2 NE1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota, located along 237th Street.
22. No. 04PL086 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 8 and Lots 33 thru 38 of Block 1, Lots 27 thru 32 of Block 2 and Lots 1 thru 9 of Block 3, Rainbow Ridge Subdivision, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, legally described as SW1/4 NE1/4 and SE1/4 NE1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, located west of Chet Street.
23. 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.

24. 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 , legally described 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.
25. 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 , legally described 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.
26. 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.
27. No. 04SV037 - A request by Brent Pushing for a **Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install**

pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway and the interior street as per Chapter 16.16 of the Rapid City Municipal Code on Lots 1 thru 4, Brentwood Subdivision, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Sunridge Road.

28. No. 04SV038 - A request by Sperlich Consulting Inc. for Tom Gagliano for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 8A, 8B and 9B, Block 2, Skyline Pines Subdivision, located in the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 8 and 9, Block 2, Skyline Pines Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1501 Pevans Parkway and 3289 Sandstone Lane.

End of Continued Items Consent Calendar

Alcoholic Beverage License Applications

Motion was made by Johnson, seconded by Waugh and carried to open the public hearing on the following license applications:

Off-Sale Malt Beverage License Transfer

29. Wal-East Development, Inc. dba **Jackpot Casino**, 1415 N. LaCrosse Street for a On-Off Sale Malt Beverage License
 30. Taira Hoeye dba **St. Joe Pub**, 710 St. Joseph Street for a On-Off Sale Malt Beverage License

On-Off Sale Malt Beverage License (No Video Lottery)

31. Rory A. Schoenheider dba **Red's Savoy Pizza**, 510 St. Joseph Street for an On-Off Sale Malt Beverage License

Special Malt Beverage and Wine License

32. **American Academy for Trial Lawyers**, for a Special Wine License, to be used on July 23, 2004 at the Prairie Edge, 606 Main Street
 33. **Black Hills Jazz**, for a Special Malt Beverage and Wine License, to be used on July 31, 2004 at Backroom Productions, 611 ½ Main Street
 34. **Rapid City Area Chamber of Commerce**, for a Special Malt Beverage and Wine License, to be used on August 17, 2004 at Assurant Preneed, 440 Mt. Rushmore Road

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

Motion was made by Johnson, seconded by Waugh and carried to approve Wal-East Development, Inc. dba **Jackpot Casino**, 1415 N. LaCrosse Street for a On-Off Sale Malt Beverage License; Taira Hoeye dba **St. Joe Pub**, 710 St. Joseph Street for a On-Off Sale Malt Beverage License; Rory A. Schoenheider dba **Red's Savoy Pizza**, 510 St. Joseph Street for an On-Off Sale Malt Beverage License; **American Academy for Trial Lawyers**, for a Special Wine License, to be used on July 23, 2004 at the Prairie Edge, 606 Main Street; **Black Hills Jazz**, for a Special Malt Beverage and Wine License, to be used on July 31, 2004 at Backroom Productions, 611 ½ Main Street; and **Rapid City Area Chamber of Commerce**, for a Special

Malt Beverage and Wine License, to be used on August 17, 2004 at Assurant Preneed, 440 Mt. Rushmore Road.

Set for Hearing (August 2, 2004)

Motion was made by Hadley, seconded by Murphy and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearing to be held on Monday, August 2, 2004 - Rapid City Fine Arts Council, Inc., for a Special Malt Beverage and Wine License, to be used on August 7, 2004 at Dahl Arts Center, 713 7th Street; and Rapid City Fine Arts Council, Inc. for a Special Malt Beverage and Wine License, to be used on August 14, 2004 at Dahl Arts Center, 713 7th Street.

Consent Calendar Items – 35-69

The following items were removed from the Consent Calendar:

46. Approve a project to sandblast and stain siding on the Milo Barber Transportation Center; and authorize the expenditure of \$15,000 from Council Contingency
50. No. PW071304-16 Approve the 2005-2009 Rapid City Area Transportation Improvement Program
52. Approve the Pennington County Fairgrounds being designated as a duly authorized shooting gallery, to request a copy of the resolution passed by the County, and to designate the City of Rapid City as an additional insured on any insurance policies the county has for activities that occur at the fairgrounds as a result of this designation.
60. No. LF071404-07 Approve revisions to Air Quality Board By-Laws

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

Set for Hearing (August 16, 2004)

36. No. 04VR004 - A request by FMG, Inc. for Leigh Tange and James Adams c/o Nemo Road Properties to consider an application for a **Vacation of Section Line Highway** on the 66 foot section line highway less the east 33 feet of said 66 foot right-of-way, located between the SE1/4 of Section 21 and the NE1/4 of Section 28, all located in T2N, R8E, BHM, Pennington County, South Dakota, located north of I-90 and west of Elk Vale Road.
37. No. 04VR005 - A request by Dream Design International, Inc. to consider an application for a **Vacation of Section Line Highway** on the W1/2 of the NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota, located east of Red Rock Estates Subdivision and north of Sheridan Lake Road.

Public Works Committee Consent Items

38. No. PW071304-03 Approve Change Order No. 1 and final for LaCrosse Street Panel Repairs Project No. STCM04-1369 to Simon Contractors of SD, Inc. for a decrease of \$191.59
39. No. PW071304-04 Approve Change Order No. 3 and final for Miscellaneous Improvements Project No. MIP03-1236 to Stanley J. Johnsen Concrete Contractor, Inc. for an increase of \$1,599.35
40. No. PW071304-05 Authorize staff to advertise for bids for Whitehead Ballfield Improvement Phase 2 Project No. PR04-1404
41. No. PW071304-06 Authorize Mayor and Finance Officer to sign a Force Account Agreement with Department of Transportation, Office of Air, Rail & Transit, for approach work and construction signing along with 10% financial responsibility for the rehabilitation of the crossing surface at East St. Charles Street at highway-rail grade crossing project for an amount not to exceed \$6,600.00

- 42. No. PW071304-07 Authorize Mayor and Finance Officer to sign a Joint Funding Agreement with U.S. Geological Survey (USGS) for cooperative work between the City of Rapid City and the U.S. Geological Survey (USGS) for the period of September 1, 2004 through September 30, 2005. JFA No. 04C4SD000000052 specifies funding of \$104,000
- 43. No. PW071304-08 Authorize Mayor and Finance Officer to sign an Agreement with Our Redeemer Lutheran Church to allow parking in the Right of Way; contingent upon staff approval of detailed plans
- 44. Authorize Mayor and Finance Officer to sign an Agreement with the South Dakota Department of Transportation on cost sharing of East Boulevard light preemption
- 45. No. PW071304-10 Approve Lange Road Relocation Project Assignment of Street Names - proposed names Tatanka Road (east-west road connecting to Deadwood Ave) and Harley Drive (local street that will terminate at the Harley Davidson Store)
- 46. No. PW071304-11 Acknowledge Pavement Management System Update
- 47. No. PW071304-12 Approve a request to waive the requirement for proof of legal entity proving mechanism for street maintenance and snow removal on all proposed subdivision dedicated right-of-ways for proposed Lots 1 and 2 of Steen Subdivision
- 48. No. PW071304-14 Approve the Jackson Boulevard Extension Study Final Report
- 49. No. PW071304-15 Approve the Travel Demand Modeling Update Final Report
- 51. No. 04VE014 Approve with stipulations a Vacation of Drainage Easement for petitioner Dana Vogt for Leo and Kara Flynn on Lot 3 of Steele Subdivision located in the NW1/4 SE1/4 and NE1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2932 Evergreen Street.

RESOLUTION OF VACATION OF DRAINAGE EASEMENT

WHEREAS it appears that the drainage easement on Lot 3 of Steele Subdivision located in the NW1/4 SE1/4 and NE1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2932 Evergreen Street, is not needed for public purposes; and

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

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

Dated this 19th day of July, 2004.

ATTEST:
s/ James F. Preston
(SEAL)

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

Legal & Finance Committee Consent Items

- 53. Authorize the South Dakota School of Mines and Technology to make improvements to the Children's Science Center in Halley Park
- 54. Request the Council President and Vice President to set a meeting to discuss the Council's policies and procedures
- 55. No. LF071404-02 Authorize Mayor and Finance Officer to sign Agreement with Hospice of the Hills for Transportation Services
- 56. No. LF071404-03 Authorize Mayor and Finance Officer to sign HUD Funding Approval/Agreement for Community Development Block Grant Funds for Fiscal Year 2004

- 57. No. LF071404-04 Authorize Mayor and Finance Officer to sign documents for reallocation of Community Development Block Grant Funds from previous years to purchase a lot for public drainage facility
- 58. No. LF071404-05 Approve additional program use of Community Development Block Grant Funds by the Rapid City Community Development Corporation
- 59. No. LF071404-06 Approve reallocation and new application for Community Development Block Grant Funds remaining from fiscal years 2001-2003 programs and program income
- 61. No. LF071404-08 Acknowledge the report on number of malt beverage licenses available for video lottery
- 62. No. LF071404-09 Authorize the Mayor and Finance Officer to sign Agreement with Black Hills FiberCom for local and long distance telephone service
- 63. Authorize Mayor to sign letter acknowledging Rapid City Early Learning Council as the eligible local council for the Rapid City area for the purposes of the Early Learning Opportunities Act discretionary grant program
- 64. No. LF071404-10 Authorize Mayor and Finance Officer to sign Addendum to Promissory Note with PAJO Properties for cart barn
- 65. No. LF071404-11 Authorize removal of one parallel and two angle parking spaces on the east side of the 400 block of Sixth Street north of the alley and south of the railroad tracks
- 66. Approve the following licenses: Mobile Home Court: Sunshine Mobile Court, Paradis Properties, LLC; Residential Contractor: Ginter Construction Services, Keith Ginter; Sewer & Water Journeyman: Shelby Moore, Justin Schuelk

Planning Department Consent Items

- 67. 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. (CONTINUED TO THE AUGUST 2, 2004 CITY COUNCIL MEETING AS THE STIPULATIONS OF APPROVAL HAVE NOT BEEN MET.)
- 68. No. 04PL083 - A request by Sperlich Consulting Inc. for Doeck LLC for a **Layout Plat** on Brookfield Subdivision located in the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Pennington County, South Dakota, legally described as the W1/2 NE1/4; balance of the SE1/4 NW1/4; the balance of the NE1/4 SW1/4; and, the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Pennington County, South Dakota, located northwest of the intersection of West Nike Road and Viking Drive. Approved with the following stipulations: 1. Upon submittal of the Preliminary Plat application, a pavement design with supporting geotechnical information shall be submitted for review and approval; 2. Upon submittal of the Preliminary Plat application, a topographical drawing of the property and grading plan including existing and proposed grades and sediment and erosion control plans for all improved areas, shall be submitted for review and approval; 3. Upon submittal of the Preliminary Plat application, a drainage plan per the Rapid City Drainage Criteria Manual shall be submitted for review and approval. The plan shall demonstrate that post-development storm water discharges shall not exceed pre-development flow rates or on-site detention shall be provided for review and approval. The plan shall also identify all floodplain areas and any development in these areas shall comply with Chapter 15.32 and 16.12.210.C of the Rapid City Municipal Code; 4. Upon submittal of the Preliminary Plat application, 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 or a Variance to the Subdivision Regulations shall be obtained; 5. Upon submittal of the Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains and lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 6. Upon submittal of the Preliminary Plat application, road construction plans for streets #1,

#2 and #3 shall be submitted for review and approval. In particular, the road construction plans shall show a subcollector street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water per the City Street Design Criteria Manual or a Variance to the Subdivision Regulations shall be obtained; 7. Prior to submittal of a Final Plat, the plat document shall be revised to show the dedication of right-of-way on the adjacent property for portions of streets #2 and #3 or "H" Lots shall be recorded; 8. Upon submittal of the Preliminary Plat application, road construction plans for the balance of the streets shall be submitted for review and approval. In particular, the streets shall be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water per the City Street Criteria Manual or a Variance to the Subdivision Regulations shall be obtained. The proposed cul-de-sac turnaround bulbs shall be located in a minimum 110 foot wide diameter right-of-way with a minimum 90 foot wide diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 9. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 10. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits of Rapid City; 11. Prior to Preliminary Plat approval by the City Council, the section line highway shall be constructed to City Street Design Standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated. The adjacent property owner shall participate in the platting of the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way. In particular, the road shall be located in a minimum 66 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 12. Upon submittal of the Preliminary Plat application, all Uniform Fire Codes shall be continually met; 13. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review; 14. Upon submittal of the Preliminary Plat application, a phasing plan shall be submitted for review and approval to demonstrate that a second street access shall be provided at all times to any area of more than forty (40) dwelling units or a Special Exception shall be obtained; 15. Prior to submittal of a Final Plat, the applicant shall submit street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; 16. Upon submittal of a Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 17. Prior to submittal of a Final Plat, the property shall be rezoned to allow the minimum lot size requested or a zoning variance shall be obtained.

69. No. 04PL084 - A request by Brent Pushing for a **Layout Plat** on Lots 1 thru 4, Brentwood Subdivision, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Sunridge Road. Approved with the following stipulations: 1. Upon submittal of the Preliminary Plat application, the road construction plans for the extension of Sun Ridge Road shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 60 foot right-of-way and a 24 foot paved surface with curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained. In addition, a design showing a minimum 96 foot wide diameter right-of-way with a minimum 76 foot wide diameter paved cul-de-sac bulb at the end of the proposed right-of-way shall be submitted for review and approval; 2. Upon submittal of the Preliminary Plat application, road construction plans shall be submitted for review and approval for the section of street that is unnamed located north of Lot 2. In particular, the road

construction plans shall show the street constructed with a minimum 45 foot right-of-way and a 20 foot paved surface with curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained. In addition, a design showing a minimum 96 foot wide diameter right-of-way with a minimum 76 foot wide diameter paved cul-de-sac bulb at the end of the proposed right-of-way shall be submitted for review and approval; 3. Prior to submittal of a Final Plat, the plat document shall include the dedication of the right-of-way for the east 660 feet of Sun Ridge Road located directly east of the subject property or an "H" Lot shall be recorded dedicating the right-of-way or a Variance to the Subdivision Regulations shall be approved waiving the requirement to dedicate the right-of-way; 4. A Special Exception is hereby granted to allow 43 lots with one exclusive point of access in lieu of 40 dwelling units with one point of access as per the Street Design Criteria Manual; 5. Upon submittal of the Preliminary Plat application, a Special Exception to allow an approximate 5,700 foot long cul-de-sac without any intermediate turnarounds in lieu of a maximum 1,200 foot long cul-de-sac with intermediate turnarounds at intervals not exceeding 600 feet shall be obtained; 6. Prior to Preliminary Plat approval by the City Council, the section line highway shall be constructed to City Street Design Standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated. The adjacent property owner shall participate in the platting or vacation of the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way. In particular, the road shall be located in a minimum 66 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 7. Prior to Preliminary Plat approval by the City Council, a Comprehensive Plan Amendment to the Major Street Plan to relocate the Collector Street shall be obtained or adjust the preliminary plat to comply with the Major Street Plan; 8. Upon submittal of the Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed; 9. Upon submittal of the Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water lines shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed; 10. Upon submittal of a Preliminary Plat application, 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 or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval; 11. Upon submittal of the Preliminary Plat application, a topographical drawing showing any proposed grading and a sediment and erosion control plan for all improved areas shall be submitted for review and approval; 12. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 13. Upon submittal of the Preliminary Plat application, all Uniform Fire Codes shall be continually met; 14. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented; 15. Prior to submittal of the Final Plat, the property shall be rezoned to a zoning district as required to allow a minimum 10 acre lot or a Variance from the Pennington County Zoning Board of Adjustment shall be obtained; 16. Prior to 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; and, 17. Prior to submittal of the Final Plat, a note shall be placed on the plat document stating that "An alternate drainfield area for each lot shall be identified upon submittal of a building permit."

END OF CONSENT CALENDAR

Motion was made by Kroeger, seconded by French to Approve a project to sandblast and stain siding on the Milo Barber Transportation Center; and authorize the expenditure of \$15,000 from Council Contingency. This project includes sandblasting and restraining of the existing siding on the Milo Barber Transportation Center. Vore suggested a routine maintenance schedule of the siding and explaining other alternatives researched were either cost prohibitive or did not meeting the Historic Preservation requirements. Motion carried.

Motion was made by Kroeger, seconded by Waugh and carried to continue No. PW071304-16 Approve the 2005-2009 Rapid City Area Transportation Improvement Program to the August 2, 2004 City Council meeting.

Motion was made by Kroeger, seconded by Waugh and carried to continue - Approve the Pennington County Fairgrounds being designated as a duly authorized shooting gallery, to request a copy of the resolution passed by the County, and to designate the City of Rapid City as an additional insured on any insurance policies the county has for activities that occur at the fairgrounds as a result of this designation to the August 2, 2004 City Council meeting.

Motion was made by Waugh, seconded by Hadley to approve No. LF071404-07 Approve revisions to Air Quality Board By-Laws. Kooiker addressed the deletion of Article 5 relative to the membership appointment. Substitute motion was made by Kooiker, seconded by Kroeger to continue No. LF071404-07 Approve revisions to Air Quality Board By-Laws to the August 2, 2004 City Council meeting. City Attorney Green advised the membership appointments were addressed in the ordinance, making it unnecessary for Article 5 to remain in the bylaws. With the consent of the full Council, Kooiker withdrew the substitute motion. Upon a vote being taken on the original motion, motion carried.

Public Hearings

The Mayor announced that the meeting was open for consideration of the assessment roll for Miscellaneous Property Cleanup (No. CC071904-03). Notice of hearing was mailed to the affected property owners on June 22, 2004 and published in the Rapid City Journal on July 12, 2004. No oral or written objects were made. The following Resolution was introduced, read and Murphy moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR CLEANUP OF MISCELLANEOUS PROPERTIES

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the property clean-up is the amount stated in the proposed assessment roll.
2. The assessment roll for Miscellaneous Property Cleanup is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed nine percent (9%).

Dated this 19th day of July, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for the adoption of the foregoing resolution was seconded by Johnson and upon vote being taken thereon, the following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Olson, Kooiker, Johnson and Waugh; NO: None, whereupon said resolution was declared duly passed and adopted.

Planning Department Items

No. 04SV039 - A request by Sperlich Consulting, Inc. for Jim Scull for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** 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. Motion was made by Hadley, seconded by Waugh and carried to approve the requested Variance with the following stipulations: 1. That a ten foot wide public utility and pedestrian access easement shall be provided along the east lot line of the subject property.

Ordinances & Resolutions

Ordinance 4076 (No. 04RZ034) a request by Sperlich Consulting Inc. for Dean and Kimberly Henderson to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on the N1/2 SW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota, located south of the intersection of Chalkstone Drive and Auburn Drive. Upon motion made by Johnson, seconded by Waugh and carried, Ordinance 4076 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, August 2, 2004 at 7:00 P.M.

Ordinance 4077 (No. 04RZ035) a request by Joe Muth for Doeck LLC to consider an application for a **Rezoning from Low Density Residential District to Low Density Residential II District** on Lot 41 of Block 2 and Lot 1 of Block 3, Auburn Hills Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Coal Bank Drive at Auburn Drive. Upon motion made by Johnson, seconded by French and carried, Ordinance 4077 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, August 2, 2004 at 7:00 P.M.

Ordinance 4078 (No. 04RZ036) a request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the W1/2 of the NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota, located east of Red Rock Estates Subdivision and north of Sheridan Lake Road. Upon motion made by Johnson, seconded by French and carried, Ordinance 4078 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, August 2, 2004 at 7:00 P.M.

Ordinance 4079 (No. 04RZ037) a request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in the W1/2 SE1/4 and the SE1/4 SE1/4 of Section 35, T1N, R7E, BHM,

Pennington County, South Dakota, located west of South Highway 16 and south of Sammis Trail. Upon motion made by Johnson, seconded by Waugh and carried, Ordinance 4079 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, August 2, 2004 at 7:00 P.M.

Ordinance No. 4074 (No. LF063004-06) entitled An Ordinance Amending Sign Code Allowing Variance for Relocation of Existing Signs Due to Public Improvement Projects was introduced. Upon motion made by Johnson, seconded by Murphy and carried, Ordinance 4074 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, August 2, 2004 at 7:00 P.M.

Ordinance No. 4073 (No. LF061604-03) An Ordinance Adopting with Amendments the Campaign Finance Disclosure Requirements of SDCL Chapter 12-25 by Amending Section 2.32.020 of the Rapid City Municipal Code having passed first reading on July 6, 2004, it was moved by French, seconded by Hadley that the title be read the second time. The following voted AYE: Hadley, French, Olson and Kooiker; NO: Chapman, Murphy, Kroeger, Johnson and Waugh; whereupon the Mayor declared the motion failed and Ordinance 4073 was not passed on its second reading.

Ordinance No. 4075 (No. LF071404-12) An Ordinance to Amend Chapters 10.40 and 10.44 of the Rapid City Municipal Code Relating to Parking was introduced, Upon motion made by Johnson, seconded by Waugh and carried, Ordinance 4075 was placed upon its first ready and title was fully and distinctly read, and second reading set for Monday, August 2, 2004 at 7:00 P.M.

Motion was made by French to approve (No. LF071404-01) a Resolution Encouraging the State Legislator to Clarify Statutory Provisions Regarding Smoking in Public Places. The Chair declared the motion died for lack of a second. Motion was made by Johnson, seconded by Murphy to table (No. LF071404-01) a Resolution Encouraging the State Legislator to Clarify Statutory Provisions Regarding Smoking in Public Places. Motion carried with French voting NO.

Motion was made by Johnson, seconded by Waugh and carried to approve (No. LF071404-13) a Resolution Adopting A Policy on Reimbursable Costs in City Contracts.

RESOLUTION ADOPTING A POLICY ON REIMBURSEABLE COSTS IN CITY CONTRACTS

WHEREAS, SDCL 9-21-10 requires that no contract shall be made by the governing body of any municipality unless an appropriation shall have been previously made concerning such expense; and

WHEREAS, reimbursable expenses are a normal cost included in many contracts entered into by the City of Rapid City; and

WHEREAS, the exact amount of reimbursable expenses are not ascertainable at the time contracts are approved by the Common Council; and

WHEREAS, the City of Rapid City deems it to be in the City's best interest to draft a policy regarding reimbursable expenses in City contracts that complies with state law.

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that, it is the policy of the Common Council that at any time a contract containing a clause that includes reimbursable expenses is being approved, the following procedure be used:

1. That the person or entity who will be receiving the reimbursable expenses estimate what they anticipate the total amount of reimbursable expenses will be at the conclusion of the contract.
2. That the estimate of the reimbursable expenses, along with all other funds to be allocated on the project, be submitted to the Common Council at the time the contract is approved.
3. That the request for reimbursable expenses be a separate line item in the contract and submitted to the Common Council in the form of "an amount not to exceed.
4. That the Common Council allocate all the funds necessary for the completion of the contract, including the amount that the reimbursable expenses are not to exceed.
5. That included in the contract is a clear statement of what services will be reimbursable and at what rate, or charge, they will be billed at.
6. That, upon completion of the work contemplated in the contract, the person or entity requesting reimbursable expenses provide an itemized bill to the City showing what they are requesting for reimbursable expenses per the rates established in the contract.
7. That the City approve only the actual expenses incurred per the itemized bill, but in no event more than the amount "not to exceed" previously approved by the Council, unless the Council approves an amendment to the contract allocating more money for reimbursable expenses than was previously approved.

Dated this 19th day of July, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

Legal & Finance Committee Items

Motion was made by Kroeger, seconded by Waugh and carried to continue Consideration in modifying the requirements for platting property in an area east of Elk Vale, Doyle Estes to the August 2, 2004 City Council meeting.

Motion was made by Johnson, seconded by Waugh to Deny (No. 04TI003) a request by Joe Muth and Chad Myers to consider an application for a Resolution Creating Tax Increment District #45 - Mallow Drive on Lots 11 thru 15, Block 5, Mallow Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 811 Mallow Drive. Terry Todd, 707 High Street; Deanne King, 801 Mallow; Mary White, 725 High Street; and Kay Paschke, 725 St. Charles spoke in opposition to the proposed construction of a multi-family complex as this location citing problems with water pressure in this neighborhood and increasing vehicle traffic. Upon a vote being taken on the motion to deny, motion carried with Murphy voting NO.

Motion was made by Johnson, seconded by Waugh to Deny (No. 04TI004) a request by Joe Muth and Chad Myers to consider an application for a Project Plan for Tax Increment District #45 - Mallow Drive on Lots 11 thru 15, Block 5, Mallow Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 811 Mallow Drive. Motion carried with Murphy voting NO.

Motion was made Kroeger, seconded by French to refer to the CIP Committee a request to fund a project to increase the sewer and water mains in the Mallow Subdivision. Friendly amendment was offered by Kooiker to refer to the Public Works Committee the master plan for sewer and water main upgrades. Upon a vote being taken on the motion as amended, motion carried.

Public Works Committee Items

Acting Public Works Director Vore addressed (No. PW071304-01) the request from Larry Lewis, 1525 Rand Drive to reduce water hook-up fees. The request is to reduce the amount of footage upon which the water fee of \$15.36 per lineal foot would apply. Presently, the footage is 394.99 feet and the request is to reduce this footage to 216 feet. He explained the reason for the request is based on the fact that the property on the south edge is not buildable and the property to the north received a reduced fee granted by the City Council. During discussions at the Public Works Committee, it was suggested Mr. Lewis be given credit for the utility easements. At this time, staff offered no recommendation. Motion was made by Kooiker, seconded by Kroeger and carried to refer (No. PW071304-01) Request to reduce water hook-up fee, Larry Lewis, 1525 Rand Drive to the July 27, 2004 Public Works Committee meeting.

Vore addressed access to Plum Creek/Elks Country Estates reporting the City's Street Department has completed a patch and repair project on the City's portion of Jolly Lane. He indicated there was a portion of the road that would require a rebuild and would cost an estimated \$120,000 to \$150,000. Alderman Johnson pointed out the road is not built to standard; and the access to these developments is limited to one access due to the construction of the bypass. He suggested the City needed to take the leadership an upgrade the road to the City's standards on the City's and County's share of the roadway. In the long-term he suggested the City find a secondary access for the two developments. Alderman Kooiker suggested the SD DOT needed to be involved in providing a second access because emergency access is important to these developments. Motion was made by Kooiker, seconded by French and carried to refer Access to Plum Creek/Elks Country Estates to the July 27, 2004 Public Works Committee meeting.

Vore addressed (No. PW071304-09) the Parkview Drive Extension/Construction Project (an assessed project), and the options for assessing the Talley property. It was explained that work, necessary to the project, on the Talley property was done within an older, existing drainage easement. Four options to assess the Talley property were outlined. Option #1 would keep the existing drainage easement on the Talley property, and the property assessed in accordance with the preliminary Resolution of Necessity. Option #2 would reduce the size of the drainage easement, and the Talley's would gain the previously useable area held by the larger, existing easement. Option #3 would eliminate the drainage easement and an H lot of the same size would replace the easement. Option #4 would eliminate the drainage easement and an H lot of the same size would replace the easement; but the H lot would be filed before the final reading of the Assessment Roll, reducing the Talley assessment. Doreen Talley, 4310 Parkview Drive indicated her support for Option #4. Motion was made by Kooiker, seconded by Johnson and carried to approve Option #4 for (No. PW071304-09) Parkview Drive Extension/Construction Project (an assessed project) to assess the Talley property.

Approval of Bills

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

Payroll Paid Ending 07-10-04, Paid 07-16-04	672,469.41
Payroll Paid Ending 07-10-04, Paid 07-16-04	1,597.60
Pioneer Bank, Taxes Paid 07-16-04	168,588.54
Pioneer Bank, Taxes Paid 07-16-04	121.07
First Administrators, claims paid 07-07-04	38,040.00
First Administrators, claims paid 07-14-04	51,526.31
Berkley Risk Administrators, June claims	15,749.02
SD Retirement System, Pension paid 07-14-04	189.70
Black Hills Power & Light, electricity	33,697.59
Computer Bill List	3,653,132.04
Total	<u>\$4,966,042.14</u>

Payroll Paid Ending 07-10-04, Paid 07-16-04	2,725.80
Pioneer Bank, Taxes paid 07-16-04	197.38
SD Retirement System, Pension paid 07-14-04	290.30
City of Rapid City, postage	161.98
City of Rapid City, June health	824.00
City of Rapid City, post office box rent	24.00
Johnson Machine, auto repairs	86.33
SD School of Mines, telephone	53.45
Standard Life, July life	7.92
Total	<u>\$5,596,811.09</u>

City Attorney's Items

Motion was made by Kooiker, seconded by Hadley and carried to go into executive session to discuss pending litigation and contractual 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 9:42 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)