

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

November 1, 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, November 1, 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 Olson, Sam Kooiker, Tom Johnson and Bill Waugh. The following Alderpersons arrived during the course of the meeting: None; and the following were absent: None.

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

APPROVE MINUTES

Kroeger moved, seconded by French and carried to approve the minutes of October 18, 2004 and Special Council of October 26, 2004

ADOPTION OF THE AGENDA

The following items were added to the agenda:

- Agenda Item #52, note correction to change order number.

French moved, seconded by Murphy and carried to adopt the agenda as amended.

AWARDS AND RECOGNITIONS

Mayor Shaw recognized the Citizens of the Month as Jason Hope and Greg Harp, employees of Wendy's Restaurant who had come to the aid of the two females under attack.

ITEMS FROM THE MAYOR

Operations Management Engineer Johnson briefed the Council on the progress of 2012 projects explaining the third and fourth floors of the Public Safety Building were occupied and demolition and renovation of the first and second floors is underway. The old jail remodel project will be complete in December. The jail annex, that is not a 2012 project, should be complete October, 2005; and the Dahl Expansion is still under design. Chief Tieszen extended an invitation to Council to tour the newly completed floors of the PSB.

ITEMS FROM COUNCIL MEMBERS/LIAISON REPORTS

At this time the Council interviewed Mel Dreyer, Jim White, Doug Hamilton and Bob Hurlbut, applicants for Ward 5 alderman. All listed their qualifications, experience and interest in serving on the Council.

Alderman French indicated her concern was about the increase in rates for water and sewer; and expressed an interest in using 2012 funds to reimburse costs for water/sewer 'growth' projects during the last five years. She requested Public Works Department staff to review the projects from the last five years, in an attempt to determine the dollar amount paid from the water and sewer enterprise funds for growth projects. Motion was made by French, seconded by Kooiker to request Public Works Department staff to bring forward in two weeks; a ballpark figure that could be reimbursed by 2012 if approved by Council, from growth projects for the past five years. Acting Public Works Director Vore pointed out the numbers in the water and sewer rate ordinances included \$1.5 Million for water expansion and \$500,000 for sewer expansion which are historical averages. He suggested the Council could propose the use of special funds for use of future projects. Substitute motion was made by Kooiker to continue this item to be heard in conjunction with Agenda Item Nos. 96 and 97, later in the meeting. Seconded by French. Motion carried.

Alderman Kooiker asked if the purpose of the Insurance Committee to fairly and independently solicit and evaluate proposals or do you need to be on the Committee in order to be considered for the contract. Kathy Maguire, Chairman of the City of Rapid City Insurance Committee explained that the Association was established at the request of the City and is an association of 10-12 member agencies. The Bylaws indicated that the agencies are to use their collective markets to bid the customers of the Association's business.

CONTINUED ITEMS CONSENT CALENDAR – Items 6-36

Kroeger moved, seconded by Murphy and carried to continue the following items as indicated.

Continue the following items until November 15, 2004:

6. 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.
7. 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.

8. 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.
9. 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.
10. 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.
11. No. 04CA030 - A request by Dream Design International for an Amendment to the Comprehensive Plan to relocate a Collector Street on the Major Street Plan in the SE1/4 NW1/4 and the SW1/4 of Section 25, T1N, R7E to a right-of-way 76.00 feet in width with the centerline described as follows: commencing at the found corner stamped R.L.S. No. 4208 of the center ¼ of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; thence N55°50'19"W along a non-visual line, 963.91 feet to the true point of beginning; thence S20°01'45"E 210.75 feet; thence along a curve to the right having a radius of 526.00 feet, included angle of 21°19'54", and a curve length of 195.83 feet; thence S01°18'09"W 1450.65 feet; said parcel containing 3.24 acres more or less all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of South Highway 16 and south of U.S. Highway 16B (Catron Boulevard).
12. No. 04CA032 - A request by the City of Rapid City for an Amendment to the Comprehensive Plan adopting the U.S. Highway 16 Corridor Future Land Use Plan on property located north of Cathedral Drive, south along U.S. Highway 16 approximately one mile either side of U.S. Highway 16 to south of Reptile Gardens.
13. No. 04FV014 - A request by Michael Altstiel for a Fence Height Exception to allow a six foot fence in the front yard setback on Lot 1, Block 1, Mall Ridge Subdivision No. 2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 504 Lion Drive.
14. No. 04FV019 - A request by FMG Engineering for Menard, Inc. for a Fence Height Exception to allow a 13'4" high fence in the General Commercial Zoning District and within the 25' front yard setback on Lots 1, 2, 3 and 6, Tract A, Menard Subdivision,

Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the southeast corner of the intersection of Eglin Street and East Anamosa Street.

15. 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.
16. 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.
17. No. 04PL122 - A request by CETEC Engineering Services for Park Hill Development for a Preliminary Plat on Lots 8, 9, 10 and 11 of Block 3; and Lots 5, 6, 7, and 8 of Block 4; and dedicated right-of-way of Park Meadows Subdivision located in the NE1/4 of SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the NE1/4 SE1/4 less the west 650 feet of the east 700 feet of the south 372.5 feet, Section 7, T1N, R7E, BHM; and a portion of Lots 1, 2, and 3R of Block 4 of Park Meadows Subdivision, Section 7, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current southern terminus of Oakland Street.
18. No. 04PL129 - A request by Sperlich Consulting, Inc. for Jim Scull for a Preliminary Plat on Lots 15-17 of Block 1, Lots 7-19 of Block 2, and Lots 2-6 of Block 3, Kennsington Heights Subdivision, located in the SW1/4 of the SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot B of Government Lot 4 located in Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Elm Avenue and Field View Drive.
19. No. 04PL131 - A request by Sperlich Consulting for a Preliminary Plat on Lots 1 through 10, Block 2, Commerce Park Subdivision, located in the E1/2 SW1/4 SE1/4 Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 SW1/4 SE1/4 and the N1/2 SE1/4 SW1/4 SE1/4, all in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current southern terminus of Fountain Plaza Drive.
20. No. 04PL133 - A request by Dream Design International for a Preliminary Plat on Tract H, Lots 13A-18A, Lots 13B-18B, Block 4, Tracts F and G, Lots 1A-11A, Lots 1B-11B, Block 19; Lots 1A-8A, Lots 1B-8B, Block 20; and Dedicated Streets, located in the S1/2 SE1/4 NW1/4 and NE1/4 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract E and Lot 14, Block 4, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Homestead Street west of Aurora Drive.

21. No. 04PL135 - A request by Sperlich Consulting, Inc. for Paul Reinke for a Layout Plat on Lots 18 thru 20 of Copper Oaks No. 2, Lots 11 thru 13 Block 2, Lots 8 thru 12 of Block 3, Lots 1 thru 5 of Block 4, Lots 1 thru 8 of Block 5 and Lot A of Copper Oaks No. 3 Subdivision located in the NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as the NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, located along Wild Turkey Way and Quartz Canyon Lane.
22. No. 04PL137 - A request by Russell and Dalaina Salamun for a Layout Plat on Lot 1R of Block 1 and Lot 2R of Block 1, Schamber Subdivision, NE1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the north 68.5 feet of Lot H, less the east 33 feet, Block 1 of Lot 3; and the south 44 feet of Lot H of Lot 3; Schamber Subdivision, NE1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2016 and 2020 Elmhurst Drive.
23. No. 04PL140 - A request by Dream Design International, Inc. for Dr. Marvin Buehner for a Layout Plat on Lots 1 thru 3, Block 1, Falcon Crest Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as W1/2 W1/2 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, located one half mile south of the intersection of Sheridan Lake Road and Countyside Boulevard.
24. No. 04SE002 - A request by Daniel and Lori Smith for a Special Exception to the Street Design Criteria Manual to allow access from a higher order street on Lot 2 of Block 13, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1802 Valentine Street.
25. 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.
26. No. 04SV053 - A request by Sperlich Consulting, Inc. for Paul Reinke for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and to improve pavement as per Chapter 16.16 of the Rapid City Municipal Code on Lots 18 thru 20 of Copper Oaks No. 2, Lots 11 thru 13 Block 2, Lots 8 thru 12 of Block 3, Lots 1 thru 5 of Block 4, Lots 1 thru 8 of Block 5 and Lot A of Copper Oaks No. 3 Subdivision located in the NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, located along Wild Turkey Way and Quartz Canyon Lane.
27. No. 04SV055 - A request by Russell and Dalaina Salamun for a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit and pavement as per Chapter 16.16 of the Rapid City Municipal Code on Lot 1R of Block 1 and Lot 2R of Block 1, Schamber Subdivision, NE1/4 NW1/4, Section 9,

T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the north 68.5 feet of Lot H, less the east 33 feet, Block 1 of Lot 3; and the south 44 feet of Lot H of Lot 3; Schamber Subdivision, NE1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2016 and 2020 Elmhurst Drive.

28. No. 04VR002 - A request by Alliance of Architects and Engineers for Rapid City Journal 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. 04VR004 - A request by FMG, Inc. for Leigh Tange and James Adams c/o Nemo Road Properties 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.
30. No. 04VR008 - A request by TSP for Rob Poeppel for a Vacation of Public Right-of-Way on the balance of the North 1/2 of Block 4 and balance of the South 1/2 of Block 4 and alley right-of-way all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 900 East Watertown.

Continue the following item until December 6, 2004:

31. No. 04AN009 - A request by Dream Design International, Inc. for a Petition for Annexation in the W1/2 SE1/4 and SE1/4 SE1/4 and N1/2 NW1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
32. No. 04AN010 - A request by Dream Design International Inc. for a Petition for Annexation in the S1/2 NE1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
33. No. 04CA029 - A request by Dream Design International, Inc. for an Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan in the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
34. No. 04PL097 - A request by Dream Design International, Inc. for a Layout Plat on Hyland Park Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described in the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
35. No. 04RZ037 - 2nd Reading - A request by Dream Design International, Inc. 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 SE1/4SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.

36. No. 04SV042 - A request by Dream Design International, Inc. for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit; to waive the requirement to dedicate additional right-of-way; and, to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code on in the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.

End of Continued Items Consent Calendar

ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

The Mayor announced the meeting was open for hearing on the listed applications for Alcoholic Beverage Licenses to operate within the City of Rapid City, South Dakota. No public comments were received. Motion was made by Johnson, seconded by Waugh and carried to close the public hearing.

Motion was made by Johnson, seconded by Waugh and carried to approve the following alcohol license applications:

On/Off Sale Malt Beverage License WITH Video Lottery

37. CBM Food Service dba **Marlins Roadhouse Grill**, 2803 Deadwood Avenue for an On/Off Sale Malt Beverage License with Video Lottery Transfer (from I-90 Truck Haven dba Windmill Restaurant)

Special Malt Beverage and Special Wine License

38. **Pennington County Democratic Party** for a Special Malt Beverage and Wine License to be used on November 10, 2004 at Prairie Edge Art Gallery, 606 Main Street
39. **Rapid City Rotary Club (1459)** for a Special Malt Beverage and Wine License to be used on November 18, 2004 at Story Book Island, Sheridan Lake Road

Upon motion made by Johnson, seconded by Waugh and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearing to be held on Monday, November 15, 2004.

On Salle Retail Liquor License

40. Shiba Investments, Inc. dba **Radisson**, 445 Mt. Rushmore Road for a On Sale Retail Liquor License

On Sale Retail Wine License

41. Guang Huan Huang dba **Hunan Chinese Restaurant**, 1720 Mt. Rushmore Road for a On Sale Retail Wine License

Special Malt Beverage and Special Wine License

42. **Rapid City Fine Arts Council, Inc.** for a Special Malt Beverage and Special Wine License to be used on November 19, 2004 (Perm Collection Opening Reception) at the Dahl Arts Center 713 7th Street
43. **Rapid City Fine Arts Council, Inc.** for a Special Malt Beverage and Special Wine License to be used on December 2, 2004 (Children's Home Society Fundraiser) at the Dahl Arts Center 713 7th Street

44. **Rapid City Fine Arts Council, Inc.** for a Special Malt Beverage and Special Wine License to be used on December 3, 2004 (Art for Giving Reception) at the Dahl Arts Center 713 7th Street
45. **Rapid City Fine Arts Council, Inc.** for a Special Malt Beverage and Special Wine License to be used on December 7, 2004 (Evenings Out Art Lecture) at the Dahl Arts Center 713 7th Street

CONSENT CALENDAR ITEMS – 46-87

The following items were removed from the Consent Calendar:

47. No. PW102604-15 Approve a Request of a second access at 5103 S. Canyon Road, Dennis Miller.
48. No. PW102604-16 Acknowledge the Report from Utility Services Outside City Limits Task Force.
49. No. PW102604-03 Award a contract to Banner and Associates for the determination of supplemental tap fees, based on the finding by the Council that this is a specialized need as defined within the Consultant Selection Process.
57. No. PW102604-11 Authorize staff to Issue an Addendum to the City of Rapid City Standard Specifications for Public Works 2004 Edition as it relates to Section 8 on corrosion coatings.
61. No. 04TP020 Approve the Final Draft of the 2004-2008 Rapid City Transit Development Plan.
62. No. LF102704-01 Acknowledge CIP Committee monthly update report.

Kroeger moved, seconded by French and carried to approve the following items as they appear on the Consent Calendar.

Set for Hearing (December 6, 2004)

46. No. 04VR009 - A request by Glenda Kolkman for Roger S. Knutsen for Bellwether, Ltd to consider an application for a Vacation of Public Right-of-Way on Lots 1 thru 14, Lots 21 thru 32 and Tract B of Block 25, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the alley between 717 Meade Street and 702 Indiana Street and between 725 and 735 Meade Street and 720 Indiana Street.

Public Works Committee Consent Items

50. No. PW102604-04 Approve Change Order No. 1F for the East Anamosa Water Main Extension Project No. W04-1370 to Highmark, Inc. for a decrease of \$3,286.85.
51. No. PW102604-05 Approve Change Order No. 1F for the Park Drive PCC Paving Replacement Project No. ST03-1245 to Simon Contractors of South Dakota for a decrease of \$25,430.71.

52. No. PW102604-14 Approve Change Order No. 5F for the Water Reclamation Facility Expansion Project No. WRF02-1173 to Glenn C. Barber and Associates for an increase of \$8,544.07.
53. No. PW102604-06 Authorize Mayor and Finance Officer to sign an agreement with Joe Crawford relative to the payment of a supplemental tap fee at 4302 South Highway 79, Rapid City, SD.
54. No. PW102604-07 Authorize Mayor and Finance Officer to sign license agreement #WL 1029 with South Dakota Department Of Transportation, Office of Railroads for construction of Centre Street Sewer Project No. SS00-940 for an amount of \$500.00.
55. No. PW102604-08 Authorize Mayor and Finance Officer to sign license agreement #062404 with Dakota Minnesota & Eastern Railroad Corporation for construction of North Elk Vale Sewer Project No. SS03-1292 for an amount of \$2,075.00; agreement to include City's agreement to pay upon invoiced, up to \$15 per day for Protective Train Order and \$300.00 or actual expenses for flagging services.
56. No. PW102604-10 Authorize staff to submit application for lease of railroad property with the intent to purchase at a later date.
58. No. PW102604-12 Grant permission to execute Settlement and Release of Claims on two coiling steel service doors located on the Primary Maturation and Refining Buildings at the Rapid City Cocompost Facility for the sum of \$7,478.00, payable to R.C.S. Construction upon installation and acceptance.
59. No. PW102604-13 Approve the purchase of (2) current model year 3/4 ton, 4x4 long box pickups from Wegner-Chrysler, Pierre, SD under State Contract #14371 for a purchase price of \$18,560 for the Street Division budget 205 and \$18,450 from budget 305.
60. No. 04TP019 Approve the 2005-2009 Transportation Improvement Plan Amendment #05-001.

Legal & Finance Committee Consent Items

63. No. LF102704-02 Approve 2004 Capital Plan for Streets, Drainage, MIP Projects Revisions.
64. Approve DCA charges at 14.35% for Streets and Drainage, Government Buildings and Parks and Recreation effective January 1, 2005.
65. Approve South Dakota Sheriff's Association/Police Chief's Association Grant in the amount of \$4,200.
66. Approve Local Law Enforcement Block Grant for 2004 in the amount of \$38,210 with a 10% match of \$4,251.
67. No. LF102704-14 Authorize Mayor and Finance Officer to sign Unified Narcotics Enforcement Team Rapid City, South Dakota, Joint Powers Agreement.
68. No. LF102704-15 Authorize Mayor to sign Combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Grant Funds and the HUD Request for Release of Funds and Certification form for the South Dakota School of Mines and Technology EDI Grant for Rehabilitation of the former Children's Science Center.
69. No. LF102704-04 Authorize Mayor and Finance Officer to sign Agreement for Professional Services for the City of Rapid City and the Rushmore Plaza Civic Center by and between the City of Rapid City and the Rapid City Area Chamber of Commerce.
70. No. LF102704-05 Approve a Resolution Consenting to the Amendment of Documents Necessary to Secure the \$7,620,000 City of Rapid City, South Dakota Health Care Facilities Revenue Bonds (The Evangelical Lutheran Good Samaritan Society Project) Series 2001 Under a Master Trust Indenture.

RESOLUTION CONSENTING TO THE AMENDMENT OF DOCUMENTS NECESSARY TO SECURE THE \$7,620,000 City of Rapid City, South Dakota Health care Facilities Revenue Bonds (The Evangelical Lutheran Good Samaritan Society Project) Series 2001 UNDER A MASTER TRUST INDENTURE

WHEREAS, the City of Rapid City, South Dakota (the "Issuer") has previously issued its \$7,620,000 Health Care Facilities Revenue Bonds (The Evangelical Lutheran Good Samaritan Society Project) Series 2001 (the "Bonds") on behalf of The Evangelical Lutheran Good Samaritan Society (the "Society") pursuant to a Financing Agreement dated as of October 1, 2001 by and among the Issuer, the Society and Wells Fargo Brokerage Services, LLC, , as the lender, registered owner of the bond and servicer (the "Wells Fargo");

WHEREAS, the Society wishes to secure the Bonds under its Master Trust Indenture (the "Master Indenture") dated August 1, 2004 and executed by and among the Society, The Evangelical Lutheran Good Samaritan Foundation (the "Foundation") and Wells Fargo Bank, National Association (the "Master Trustee") and, to that end, the Society and the Master Trustee will enter into a Seventeenth Supplement to Master Trust Indenture;

WHEREAS, the Indenture of Trust for the Bonds authorizes the Issuer and the Wells Fargo for the Bonds to enter into supplemental indentures of trust and other amending documents, provided that such amendments are not materially prejudicial or adverse to the holders of such Bonds;

WHEREAS, Wells Fargo has concluded that the amendments proposed to be made to the documents executed in connection with the Bonds, to secure the Bonds under the Master Indenture, are not materially prejudicial or adverse to the holders of the Bonds.

NOW, THEREFORE the Issuer hereby resolves that the Issuer shall take all action necessary or reasonably required to secure the Bonds under the Master Indenture and, to that end, the Mayor and City Clerk are hereby authorized to execute and deliver amendment to the Financing Agreement for the Bonds, and such other documents as are reasonably required to secure the Bonds under the Master Indenture. The execution of any such documents shall constitute conclusive evidence of the approval by the Issuer of such documents.

Dated this 1st day of November, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 71. No. LF102704-06 Authorize Mayor and Finance Officer to sign Amendment to Financing Agreement with Evangelical Lutheran Good Samaritan Society.
- 72. No. LF102704-07 Approve Allocation of Subsidy Funds for Humanities portion.
- 73. No. LF102704-08 Approve Agreement with Virginia Wood Nelson for Department Director Training in the amount of \$900.

- 74. Approve a Resolution to Amend the AFSCME Union Contract, Adding the Position of Landfill Operations Chief.

RESOLUTION TO AMEND THE AFSCME UNION COMPENSATION WAGE PLAN
TO ESTABLISH THE POSITION OF LANDFILL OPERATIONS CHIEF

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
Landfill Operations Chief	16	\$16.89 to \$25.71/hr.

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 1st day of November, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 75. No. LF102704-09 Approve a Resolution of the City of Rapid City Authorizing the Establishment of a Payroll Deduction for Pre-Paid Legal Services, Inc.

RESOLUTION OF THE CITY OF RAPID CITY
AUTHORIZING THE ESTABLISHMENT OF A PAYROLL DEDUCTION
FOR PRE-PAID LEGAL SERVICES, INC.

WHEREAS, the City of Rapid City has employees requesting a payroll deduction for services provided by Pre-Paid Legal Services, Inc.; and

WHEREAS, providing a payroll deduction for employees to purchase services provided by Pre-Paid Legal Services, Inc. is consistent with City policy and beneficial to those employees wishing to enroll;

NOW, THEREFORE, BE IT RESOLVED, that the City of Rapid City hereby recognizes and authorizes a payroll deduction for Pre-paid Legal Services.

BE IT FURTHER RESOLVED that such deductions for participation with Pre-paid Legal Services be in effect January 1, 2005;

Dated this 1st day of November, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 76. No. LF102704-13 Authorize Mayor and Finance Officer to sign Agreement to Purchase Additional Right of Way Along the Proposed East Anamosa Street Extension From East North to Century Road
- 77. Approve the following licenses: Electrical Apprentice: Barbara Alexander, Lonnie Alexander, Martin Bailey, Joshua Brix, Jacob Buckstead, Tim Eggers, James K. Fischer, Anthony Green, Jr., John F. Hejde, Gerald Heien, Robert Huntwork, Matt Kay, Seth A. Redman, Jesse Riopel, Tom Rodriquez, Kevin Ryan, Neil Stewart, Brian C. Walker; John Davis, Electrical Journeyman: Jerry E. Lorenzen, Jim Lucas, Joe Lutter, James Weiland; Mechanical Contractor: Joe Youngblood, Bruce Rasmussen; Mechanical Apprentice: Samuel Ferrazzano, Thomas S. Tatum; Mechanical Installer: Mark Anderson, John M. Costello, Jr., Don Foulk, J. Erik Haakedahl, David Francis Laughlin, Bradley Lee Job, Scott A. Juhnke, Mark Krolikowski, Pat Paulsen, John L. Trimble, Jr., Steve Volk; Plumbing Apprentice: Steve Storm; Residential Contractor: Guthrie, Inc., Kent & Cindy Guthrie; Hills Roofing & Sheet Metal, Scott Mohr; Lund Construction & Skid Steer Service, Michael D. Lund; Sewer & Water Contractor License: Mitch Morris, Black Hills Excavating; Tyrel Stygles, Jul-Mar Development; Sewer & Water Installer Journeyman: Shawn McNally.

Planning Department Consent Items

- 78. No. 04AN011 - A request by City of Rapid City for a **Petition for Annexation** on the southeastern most 33 feet of section line right-of-way extending south approximately 895 feet, beginning at the northeastern corner of Tract C of the SE1/4 SE1/4 located south of the railroad right-of-way located in the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Pennington County, South Dakota; the southwestern most 33 feet of section line right-of-way extending approximately 840 feet south beginning at the northwestern most corner of Lot 1 of Lot D of SW1/4 SW1/4 located south of the railroad right-of-way in the SW1/4 SW1/4 of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, located south of SD Highway 44 East and north of East St. Patrick 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 1.31 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

The southeastern most 33 feet of section line right-of-way extending south approximately 895 feet, beginning at the northeastern corner of Tract C of the SE1/4 SE1/4 located south of the railroad right-of-way located in the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Pennington County, South Dakota; the southwestern most 33 feet of section line right-of-way extending approximately 840 feet south beginning at the northwestern most corner of Lot 1 of Lot D of SW1/4 SW1/4 located south of the railroad right-of-way in the SW1/4 SW1/4 of Section 4, T1N, R8E, BHM, Pennington County, South Dakota.

Dated this 1st day of November, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 79. No. 04AN012 - A request by City of Rapid City for a **Petition for Annexation** on all of the eastern most 33 feet of section line right-of-way lying south of the Chicago, Minnesota, St. Paul and Pacific Railroad right-of-way located in the southeast quarter of Section 9, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; all of the dedicated right-of-way and 12 foot vacated right-of-way adjacent to Lots 1 and 2 of Mullen Subdivision, Section 9, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; all of the western most 33 feet of section line right-of-way lying south of the Chicago, Minnesota, St. Paul and Pacific Railroad right-of-way located in the southwest quarter of Section 10, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; all of the dedicated right-of-way adjacent to Lot A-Revised, formerly Lot A of Plat No 1 in NW1/4SW1/4, lying south of the Chicago, Minnesota, St. Paul and Pacific Railroad right-of-way located in Section 10, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; all of the western most 33 feet of section line right-of-way beginning at the northwest corner of Section 15, T1N, R8E, extending south approximately 1,230 feet lying adjacent to and in NW1/4 NW1/4 of Section 15, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota, also known as Jolly Lane; all of the dedicated right-of-way adjacent to Lots 1 through 9 of Lot A of the E1/2 SE1/4, also known as Martin Lane, located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; all of the dedicated right-of-way adjacent to Lots 1 through 9 of Helmens Subdivision, also known as Toni Lane, located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, located south of SD Hwy 44 East, east of the Southeast Connector and north of Elks Country Estates.

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 4.89 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

All of the eastern most 33 feet of section line right-of-way lying south of the Chicago, Minnesota, St. Paul and Pacific Railroad right-of-way located in the Southeast Quarter of Section 9, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; all of the dedicated right-of-way and 12 foot vacated right-of-way adjacent to Lots 1 and 2 of Mullen Subdivision, Section 9, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; all of the western most 33 feet of section line right-of-way lying south of the Chicago, Minnesota, St. Paul and Pacific Railroad right-of-way located in the Southwest Quarter of Section 10, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; all of the dedicated right-of-way adjacent to Lot A-Revised, formerly Lot A of Plat No 1 in NW1/4SW1/4, lying south of the Chicago, Minnesota, St. Paul and Pacific Railroad right-of-way located in the NW1/4SW1/4 of Section 10, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; all of the western most 33 feet of section line right-of-way beginning at the northwest corner of Section 15, T1N, R8E, extending south approximately 1,230 feet lying adjacent to and in NW1/4 NW1/4 of Section 15, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota, also known as Jolly Lane; all of the dedicated right-of-way adjacent to Lots 1 through 9 of Lot A of the E1/2 SE1/4, also known as Martin Lane, located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; all of the dedicated right-of-way adjacent to Lots 1 through 9 of Helmens Subdivision, also known as Toni Lane, located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota.

Dated this 1st day of November, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 80. No. 04PL130 - A request by Sperlich Consulting for a **Preliminary Plat** on Lots 6 thru 8 of Block 18, and Lots 12 thru 13 of Block 19, Trailwood Village, located in the E1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the E1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at the extension of Savannah Street north of Williams Street. (APPROVE PRELIMINARY PLAT, WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the red lined drawings shall be returned to the Engineering staff; 2. Prior to Preliminary Plat approval by the City Council, road construction plans for Reservoir Road as it abuts the subject property shall be submitted for review and approval. In particular, the road construction plans shall show Reservoir Road with curb,

gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, construction plans showing a turnaround at the northern terminus of Savannah Street shall be submitted for review and approval; 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 a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Reservoir Road or a Variance to the Subdivision Regulations shall be obtained; and 6. 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.)

81. No. 04PL132 - A request by Roger and Janice Knutsen for a **Preliminary Plat** on Lots 2BR and 3R1 of Block 1 Revised of St. Cloud Subdivision of Forest Hills Subdivision located in NE1/4 SW1/4 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 2B, 2C and 3R, Block 1 Revised of St. Cloud Subdivision of Forest Hills Subdivision located in NE1/4 SW1/4 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located 1518 Forest Drive. (APPROVE PRELIMINARY PLAT, WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, a topographic utility and service Plan shall be submitted for review and approval. In particular, the Plan shall identify the water, sewer, driveways and structures as well as private utilities (i.e., electricity, gas, telephone); 2. Prior to submittal of a Final Plat application, the plat document shall be revised to show the 25 foot wide private access easement to be vacated; 3. Prior to submittal of a Final Plat application, the plat document shall be revised to read, "formerly Lots 2B and 2C of Lot 2 and Lot 3R, Block"; and, 4. Prior to submittal of a Final Plat application, the plat document shall be revised to show a drainage easement along the west side of the driveway.)
82. No. 04PL136 - A request by Jerry Wendland for Keith Kuchenbecker for a **Layout Plat** on Lots 1 thru 8, Block 1; Lots 1 thru 29, Block 2; Lots 1 thru 4, Block 3; Lots 1 thru 17, Block 4; Lots 1 thru 51, Block 5; Lots 1 thru 13, Block 6; Lots 1 thru 14, Block 7; a subdivision, located in the SW1/4 NW1/4 of Section 13, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the SW1/4 NW1/4 of Section 13, T1N, R8E, BHM, Pennington County, South Dakota, located east of Anderson Road. (APPROVE LAYOUT PLAT, WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval; 2. Upon submittal of a Preliminary Plat application, geotechnical analysis, including pavement design, shall be submitted for review and approval; 3. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall provide on-site detention as needed. In addition, the plat document shall be revised to provide drainage easements as necessary; 4. 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. The applicant shall also provide information identifying the entity responsible for operation and maintenance of the central sewer system and obtain South Dakota Department of Environment and Natural Resource approval; 5. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the

extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. The applicant shall also provide information identifying the entity responsible for operation and maintenance of the central water system and obtain South Dakota Department of Environment and Natural Resource approval; 6. Upon submittal of a Preliminary Plat application, road construction plans for Anderson Road shall be submitted for review and approval. In particular, the road construction plans shall show Anderson Road constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 7. Upon submittal of a Preliminary Plat, road construction plans for Prairie Aster Lane, Golden Rod Lane, Choke Cherry Loop and the un-named street extending to the east lot line shall be submitted for review and approval. In particular, the road construction plans shall show the streets 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, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 8. Upon submittal of a Preliminary Plat application, road construction plans for Bunch Berry Circle, Marigold Court and Butter Cup Court shall be submitted for review and approval. In particular, the streets shall be located in a minimum 49 foot 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. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 9. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the northern loop of Prairie Aster Lane aligning with the approved approach located along the west side of Anderson Road; 10. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide a 115 foot non-access easement along Prairie Aster Lane as it extends east from Anderson Road. In addition, the plat document shall be revised to show a non-access easement along Anderson Road and the first fifty feet of all corner lots or a Special Exception to the Street Design Criteria Manual shall be obtained; 11. Upon submittal of a Preliminary Plat, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of private and public utilities through the subject property as well as to adjacent properties; 12. Upon submittal of a Preliminary Plat application, a Phasing Plan shall be submitted for review and approval. In particular, the Phasing Plan shall identify that no more than forty dwelling units shall have one point of access or a Special Exception to allow more than 40 dwelling units with one point of access shall be obtained; 13. Upon submittal of a Preliminary Plat application, a cost estimate for the subdivision improvements shall be submitted for review and approval; 14. 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 and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained; 15. Prior to submittal of a Final Plat application, a road maintenance agreement shall be submitted for review and approval; 16. Prior to submittal of a Final Plat application, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; 17. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Anderson Road or a Variance to the Subdivision Regulations shall be obtained; 18. Prior

to submittal of a Final Plat application, the applicant shall submit different street names for Prairie Aster Lane and Choke Cherry Loop to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; 19. Prior to submittal of a Final Plat application, the property shall be rezoned by Pennington County from General Agriculture District to Suburban Residential District; and, 20. 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.)

83. No. 04PL138 - A request by Fisk Land Surveying & Consulting Engineers for Gerald Davis for a **Preliminary Plat** on Lot A of Lot 1 and Lot B of Lot 1, Block 1, Vista Hills No. 2 Subdivision, located in the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1, Vista Hills No. 2 Subdivision, located in the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4740 Skyview Drive. (APPROVE PRELIMINARY PLAT, WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, a grading plan shall be submitted for review and approval; 2. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide additional drainage easement(s) as needed; 3. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing the water service location(s), including street restoration plans; 4. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing that the sanitary sewer service invert is a minimum of one foot above the top of the sanitary sewer main. In addition, the construction plans shall provide inverts along the sewer profile; 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 red lined drawings shall be returned to the Engineering Division; 6. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 7. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Corral Drive and the northern 50 feet of Skyview Drive as per the Street Design Criteria Manual; 8. Prior to submittal of a Final Plat application, the plat title shall be revised to read "Vista Hills No. 2"; in lieu of "Vista Hills No. 2 Subdivision"; as currently shown in both the proposed and formerly legal descriptions; and, 9. 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.)
84. No. 04PL139 - A request by Garry McKinnon for a **Preliminary Plat** on Lot 1 Revised and Lot 2 Revised in Block 14 of Green Acres Addition, located in SW1/4 Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Lot 2, Lot 3 less Lots A & B and vacated adjacent alley, Block 14, Green Acres Subdivision, located in SW1/4 Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3117 W. Rapid Street. (APPROVE PRELIMINARY PLAT, WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, 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; 2. Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered

Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to submittal of a Final Plat application, the plat document shall be revised to add the label, vacated alley, book and page and label south lot line strip, "formerly Lot 3 less Lots A & B"; and, 4. Prior to submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates.)

85. No. 04PL142 - A request by Sperlich Consulting, Inc. for Ed and Linda Eisenbraun for a **Preliminary Plat** on Lot BR, Trailwood Village located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village, and Lot B of Trailwood Village located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Covington Drive and Avery Street. (APPROVE PRELIMINARY PLAT, WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for S. D. Highway 44. In particular, the road construction plans shall show the street constructed with curb, gutter and sidewalk or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Preliminary Plat approval by the City Council, a site plan showing all structural improvements, fences, including lot lines, dimensions, approach location, adjacent right-of-way widths and setbacks shall be submitted for review and approval; 3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 4. Prior to submittal of a Final Plat application, the plat document shall be revised to show an access restriction easement along S. D. Highway 44; 5. Prior to submittal of a Final Plat application, sidewalks shall be completed along Avery Drive and Covington Street and a no outlet street sign shall be posted on Avery Drive along with crack sealing as needed on street or surety shall be posted for the improvements; 6. Prior to submittal of a Final Plat application, drainage improvements shall be in place. In particular, temporary and permanent stabilization of surfaces to prevent sediment washing into streets and off the property; 7. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show the existing 8 foot wide utility and minor drainage easement, book 30 and page 66 (1 & 2), to be vacated this plat.)
86. No. 04PL143 - A request by Sperlich Consulting, Inc. for Dalwyn Vandenhoeck for a **Preliminary Plat** on Lots 1A and 1B of Block 18, Trailwood Village, located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Block 18, Trailwood Village, located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Reservoir Road and Williams Street. (APPROVE PRELIMINARY PLAT, WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for Reservoir Road. In particular, the road construction plans shall show curb, gutter and sidewalk or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to submittal of a Final Plat application, the plat document shall be revised to show the sanitary sewer easement on the property; and, 3. Prior to submittal of a Final Plat application, the plat document shall be revised to spell Reservoir Road correctly.)

Raffles

87. Acknowledge Rapid City Regional Hospital Foundation raffle for new Harley-Davidson Motorcycle valued at \$20,000, beginning December, 2004 until December, 2005 in the Main Lobby of Rapid City Regional Hospital

END OF CONSENT CALENDAR

French moved, seconded by Kroeger and carried to (No. PW102604-15) approve an Exception to the Street Design Criteria Manual to allow a second access at 5103 South Canyon Road.

Alderman Kroeger asked Growth Manager Director Elkins to schedule a meeting of the Utility Services Outside City Limits Task Force, and extend an invitation to any Council member having concerns about the recommendation of the Task Force. Kroeger moved, seconded by French and carried to (No. PW102604-16) refer the Report from Utility Services Outside City Limits Task Force to the November 9, 2004 Public Works Committee meeting.

Alderman Kooiker addressed the award of a contract to Banner and Associates for the determination of supplemental tap fees, based on the finding by the Council that this is a specialized need as defined within the Consultant Selection Process. He urged the Council to allow this project to proceed through the Consultant Selection Process as adopted by the Council. Kooiker moved, seconded by Kroeger to (No. PW102604-03) Authorize staff to proceed with Requests for Proposals for the Determination of Supplemental Tap Fees. Friendly amendment was offered by Johnson to Appoint a Council member as a representative on the Consultant Selection Committee. Upon a vote being taken on the motion as amended, motion carried.

Johnson moved, seconded by French and carried to (No. PW102604-11) Authorize staff to Issue an Addendum to the City of Rapid City Standard Specifications for Public Works 2004 Edition as it relates to Section 8 on corrosion coatings.

Johnson moved, seconded by Murphy to (No. 04TP020) Approve the Final Draft of the 2004-2008 Rapid City Transit Development Plan. Alderman Kooiker spoke against the plan because it does not serve the people of the Robbinsdale area adequately. Growth Management Director Elkins indicated the Executive Committee of the MPO recommends the plan be approve with the condition that before the City implements changes to any route, the City will hold public meetings to obtain additional input prior to the City authorizing any changes to the routes. Substitute motion was made by Kroeger, seconded by Waugh to approve the plan with the condition that before the City implements changes to any route; the City will hold public meetings to obtain additional input prior to the City Council authorizing any changes to the routes. Substitute motion carried.

Hadley moved, seconded by French and carried to (No. LF102704-01) Acknowledge the CIP Committee monthly update report.

PUBLIC HEARINGS

The Mayor presented No. 04SV054, a request by Jerry Wendland for Keith Kuchenbecker for a **Variance to the Subdivision Regulations** to waive the requirements to install curb, gutter, sidewalk and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code on Lots

1 thru 8, Block 1; Lots 1 thru 29, Block 2; Lots 1 thru 4, Block 3; Lots 1 thru 17, Block 4; Lots 1 thru 51, Block 5; Lots 1 thru 13, Block 6; Lots 1 thru 14, Block 7; a subdivision, located in the SW1/4 NW1/4 of Section 13, T1N, R8E, BHM, Pennington County, South Dakota, legally described as SW1/4 NW1/4 of Section 13, T1N, R8E, BHM, Pennington County, South Dakota, located east of Anderson Road. Hadley moved, seconded by French and carried to approve the Variance with the following stipulations: 1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, and sidewalk along Anderson Road.

The Mayor presented No. 04SV056, a request by Sperlich Consulting, Inc. for Gordon Howie for a **Variance to the Subdivision Regulations** to waive the requirements to install curb, gutter, sidewalk, street light conduit and to improve pavement as per Chapter 16.16 of the Rapid City Municipal Code on Lots 6 thru 8 of Block 18, and Lots 12 and 13 of Block 19, Trailwood Village, located in the E1/2 of SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village, located in the E1/2 of the SE1/4, Section 10, T1N, R8E, B.H.M., Pennington County, South Dakota; more fully described as follows: Commencing at the southeasterly corner of Lot A of Block 13 of Trailwood Village, common to the southwesterly corner of the right-of-way of Reservoir Road adjacent to said Block 13, and the Point of Beginning; thence, first course: S89 55'36"E, along the southerly boundary of the previously dedicated right-of-way of Reservoir Road adjacent to said Block 13, a distance of 17.58 feet, to the southeasterly corner of the previously dedicated right-of-way of Reservoir Road adjacent to said Block 13, common to a point on the easterly boundary of Tract T of Trailwood Village; thence, second course: S00 05'47"W, along the westerly edge of the right-of-way of said Reservoir Road, common with the easterly boundary of said Tract T, a distance of 312.20 feet, to the northeasterly corner of the previously dedicated right-of-way of Reservoir Road adjacent to Block 18 of Trailwood Village, common to a point on the easterly boundary of said Tract T; thence, third course: N89 55'36"W, along the northerly edge of the previously dedicated right-of-way of Reservoir Road adjacent to said Block 18, a distance of 17.45 feet to the northeasterly corner of Lot 5 of Block 18 of Trailwood Village, common to the northwesterly corner of the previously dedicated right-of-way of Reservoir Road adjacent to said Block 18; thence, fourth course: N75 20'08"W, along the northerly boundary of said Lot 5 of Block 18, a distance of 187.05 feet, to the northwesterly corner of said Lot 5 of Block 18, common to the northeasterly corner of the previously dedicated right-of-way of the Savannah Street in Block 18 of Trailwood Village; thence, fifth course: N73 37'43"W, along the northerly edge of the previously dedicate right-of-way of said Savannah Street, a distance of 52.00 feet, to the northwesterly corner of the previously dedicate right-of-way of said Savannah Street, common to the northeasterly corner of Lot 1 of Block 19 of Trailwood Village; thence, sixth course: N73 37'43"W, along the northerly boundary of said Lot 1 of Block 19, a distance of 110.00 feet, to the northwesterly corner of said Lot 1 of Block 19, common to a point on the easterly boundary of Lot 2 of Block 19 of Trailwood Village; thence, seventh course: N16 22'17"E, along the easterly boundary of said Lot 2 of Block 19, a distance of 100.00 feet, to the northeasterly corner of said Lot 2 of Block 19; thence, eighth course: N56 46'36"W, along the northerly boundary of said Lot 2 of Block 19, a distance of 10.34 feet, to a point on the northerly boundary of said Lot 2 of Block 19; thence, ninth course: N58 23'12"E, a distance of 129.245 feet; thence, tenth course: N49 39'12"E, a distance of 52.00 feet; thence, eleventh course: southeasterly, curving to the right on a curve with a radius of 126.00 feet, a delta angle of 09 57'12", an arc length of 21.88 feet, a chord bearing of S35 22'12"E, and chord distance of 21.86 feet; thence, twelfth course: N59 36'24"E, a distance of 136.53 feet, to a point on the southerly boundary of said Lot A of Block 13; thence, thirteenth course: S46 37'26"E, along the southerly

boundary of said Lot A of Block 13, a distance of 51.09 feet, to the southeasterly corner of said Lot A of Block 13, common to the southwesterly corner of the right-of-way of Reservoir Road adjacent to said Block 13, and the Point of Beginning, located the extension of Savannah Street north of Williams Street. Hadley moved, seconded by French and carried to approve the Variance with the following stipulations: 1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, sidewalk and street light conduit.

The Mayor presented No. 04SV057, a request by Garry McKinnon for a **Variance to the Subdivision Regulations** to waive the requirements to install water and sewer as per Chapter 16.16 of the Rapid City Municipal Code on Lot 1 Revised and Lot 2 Revised in Block 14 of Green Acres Addition, located in SW1/4 Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Lot 2, Lot 3 less Lots A and B, and adjacent vacated alley in Block 14, Green Acres Addition, located in SW1/4 Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3117 W. Rapid Street. Hadley moved, seconded by French and carried to approve the Variance with the following stipulations: 1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of water on Vale Street and sewer on Vale Street, West Rapid Street and 32nd Street.

The Mayor presented No. 04SV058, a request by Sperlich Consulting, Inc. for Ed and Linda Eisenbraun for a **Variance to the Subdivision Regulations** to waive the requirements to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code on Lot BR, Trailwood Village located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village, and Lot B of Trailwood Village, located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, B.H.M., Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot B of Trailwood Village, common to the southeasterly corner of Lot A of Trailwood Village, and common to a point on the westerly edge of the right-of-way of Covington Street, and the Point of Beginning; thence, first course: S00°11'02"W, along the westerly edge of the previously dedicated right-of-way of said Covington Street, a distance of 83.43 feet, to a point of curve; thence, second course: southerly, along the westerly edge of the previously dedicated right-of-way of said Covington Street, curving to the right on a curve with a radius of 520.00 feet, a delta angle of 27°14'44", an arc length of 247.27 feet, a chord bearing of S13°48'24"W, and a chord distance of 244.95 feet, to the southeasterly corner of said Lot B, common to the corner of the previously dedicated right-of-way of Avery Drive; thence, third course: northwesterly, along the northerly edge of the previously dedicated right-of-way of said Avery Drive, curving to the left on a curve with a radius of 2043.52 feet, a delta angle of 09°03'34", an arc length of 323.12 feet, a chord bearing of N60 34'20"W, and a chord distance of 322.78 feet; thence, fourth course: N24°53'53"E, along the northerly edge of the previously dedicated right-of-way of said Avery Drive, a distance of 20.00 feet; thence, fifth course: N65°06'07"W, along the northerly edge of the previously dedicated right-of-way of said Avery Drive, a distance of 25.00 feet; thence, sixth course: S24°53'53"W, along the northerly edge of the previously dedicated right-of-way of said Avery Drive, a distance of 20.00 feet; thence, seventh course: N65°06'07"W, along the northerly edge of the previously dedicated right-of-way of said Avery Drive, a distance of 10.00 feet, to a corner of said Lot B; thence, eighth course: N65°06'07"W, along the southerly edge of said Lot B, a distance of 72.70 feet, to the southwesterly corner of said Lot B of Trailwood Village; thence, ninth course: S68°57'27"W, a distance of 209.64 feet, to a point on the northerly edge of the right-of-way of SD State Highway

44; thence, tenth course: N51°11'35"W, along the northerly edge of the right-of-way of SD State Highway 44, a distance of 103.00 feet, to the southwesterly corner of said Tract T of Trailwood Village; thence, eleventh course: N00°12'10"E, along the westerly boundary of said Tract T of Trailwood Village, common to the easterly boundary of a portion of the SW1/4 of the SW1/4 of said Section 10, a distance of 130.38 feet, to the southwesterly corner of said Lot A of Trailwood Village; thence, twelfth course: S89°48'58"E, along the southerly boundary of said Lot A of Trailwood Village, a distance of 275.84 feet, to the northwesterly corner of said Lot B of Trailwood Village, common to a point on the southerly boundary of said Lot A of Trailwood Village; thence, thirteenth course: S89°48'58"E, along the northerly boundary of said Lot B of Trailwood Village, common to the southerly boundary of said Lot A of Trailwood Village, a distance of 437.17 feet, to the northeasterly corner of Lot B of Trailwood Village, common to the southeasterly corner of Lot A of Trailwood Village, and common to a point on the westerly edge of the right-of-way of Covington Street, and the Point of Beginning, located at the intersection of Covington Drive and Avery Street. Hadley moved, seconded by French and carried to approve the Variance with the following stipulations: 1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter and sidewalk along S. D. Highway 44.

No. 04SV059 - A request by Sperlich Consulting, Inc. for Dalwyn Vandenhoeck for a **Variance to the Subdivision Regulations** to waive the requirements to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code on Lots 1A and 1B of Block 18, Trailwood Village, located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Block 18, Trailwood Village, located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Reservoir Road and Williams Street. Hadley moved, seconded by French and carried to approve the Variance with the following stipulations: 1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, sidewalk and street light conduit along Reservoir Road.

The Mayor presented No. 04VR007, a request by M. James and Kristine J. Brekhus for a Vacation of Public Right-of-Way on Lot 9, Forest Park Estates, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4295 Rosemary Lane. Hadley moved, seconded by French and carried to approve the Vacation of Public Right-Of-Way.

ORDINANCES & RESOLUTIONS

Ordinance No. 4094 (No. 04OA007), Amending All References to the Uniform Building Code of the City of Rapid City Municipal Code in Chapter 17 was introduced. Upon motion made by Johnson, seconded by Waugh and carried, Ordinance 4094 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 15, 2004.

Ordinance No. 4095 (No. 04OA008), Extending the Temporary Zoning Controls for the Airport Zoning District Contained in Ordinance No. 3963 which Added Chapter 100 to the Rapid City Municipal Code was introduced. Upon motion made by Johnson, seconded by Waugh and carried, Ordinance 4095 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 15, 2004.

Ordinance No. 4096 (No. LF102704-10), Amending Section 13.04.005, Section 13.04.060, Section 13.04.080, Section 13.04.090, Section 13.04.095, Section 13.04.100, Section 13.04.110, Section 13.04.130, Section 13.04.160, Section 13.04.170, Section 13.04.260, Section 13.04.590, and Section 13.04.600 and Adding a New Section 13.04.061 of Chapter 13.04 of the Rapid City Municipal Code Pertaining to Water Rates and Fees, was introduced. Upon motion made by Johnson, seconded by Murphy, Ordinance 4096 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 15, 2004. Alderman French suggested the proposed rates were too high and urged the Council to look for other funding for expansion other than rates. Alderman Kooiker expressed concern with the growth factor that has been included in the rates; and pointed out the construction fees and tap fees have not been adjusted since 1989. He suggested the growth factor be removed and the rates adjusted accordingly. Substitute motion was made by Kooiker, seconded by French to continue first reading and ask the City Attorney and Public Works remove the growth factor from the rates and adjust the fees to reflect the growth factor and bring the growth factor information to the Legal & Finance and Public Works Committees for further consideration. Alderman Johnson suggested approving first reading and requesting staff to make the necessary changes. He believed the enterprise fund balance would be jeopardized and rates needed to be addressed because they had been neglected too long. He suggested there is a need to have adequate reserves to pay the costs of maintaining the system and reconstructing the system. Rick Kriebel, 1304 38th Street addressed the Council regarding the rates funding expansion. Second substitute motion was made by Kroeger, seconded by Murphy to approve first reading of the base scenario with the expansion to be included in the fees to be discussed at the Legal & Finance and Public Works Committees. In response to a question raised by Alderman French, Water Superintendent Wagner explained that the apartment complexes pay the same rate as a single residential customer and only four mobile home courts having larger master meters contract for an adjusted rate. Engineering Project Manager Coon explained a base scenario and an expansion scenario were submitted for review. The difference between the scenarios was the amount identified for expansion in each scenario. In the water scenario they had identified \$1.5 Million in construction money focused on expansion. Staff had \$3.8 Million for construction in water for just replacement improvement projects and \$1.5 Million for expansion. On the sewer side, the base scenario had \$2.8 Million for just improvement and replacement projects and \$500,000 for improvement type projects, these are construction projects only. In both the scenarios, the operation and maintenance and debt service; all of the basic costs for running the operations of the two enterprise funds are the same. Upon a vote being taken on the second substitute motion, motion carried.

Ordinance No. 4097 (No. LF102704-11), Adding Section 13.08.215 and Section 13.08.361 and Amending Section 13.08.010, Section 13.08.350, Section 13.08.360, Section 13.08.365, and Section 13.08.370 of the Rapid City Municipal Code Pertaining to Sewer Rates and Fees, was introduced. Upon motion made by Johnson, seconded by Waugh, Ordinance 4097 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 15, 2004. Alderman French pointed out that growth was funded from sewer rates and suggested reimbursement from 2012 and spoke in opposition to the rate increase. Substitute motion was made by Kooiker, seconded by Chapman to approve first reading of the base scenario with the expansion to be included in the fees to be discussed at the Legal & Finance and Public Works Committees. City Attorney Green brought forward the recommendation from the Legal & Finance Committee to adopt first reading without the phase-in for the first year. Kooiker clarified his substitute motion to include the phase-in for the first year. Aldermen Johnson, Murphy, Chapman and Kooiker spoke to the phase-in of the rates and

the inclusion of the expansion costs Alderman Waugh called the question, there being no objection to the question being called a vote was taken on the substitute motion. Motion carried with French voting NO.

Ordinance No. 4098 (No. 04RZ047), a request by Mike Tennyson and Pat Tlustos to consider an application for a **Rezoning from Heavy Industrial District to Office Commercial District** on the unplatted portion of the W1/2 NW1/4 SE1/4 and Block 1, North Riverside Addition; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1350 West Chicago Street. Upon motion made by Johnson, seconded by Waugh and carried, Ordinance 4098 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, November 15, 2004 at 7:00 P.M.

LEGAL & FINANCE COMMITTEE ITEMS

Johnson moved, seconded by Waugh to (No. CC110104-01) Authorize Mayor and Finance Officer to sign Water Supply Agreement with West Nike Homeowners Association, Inc. Friendly amendment was offered by French that the North Haines Volunteer Fire Department agree to annexation when they are eligible. Upon a vote being taken on the motion as amended, motion carried.

PUBLIC WORKS COMMITTEE ITEMS

Hadley moved, seconded by French to (No. PW102604-09a) approve a request to prepare an H-Lot plat for additional right- of-way at the intersection of Fairmont Boulevard and Mount Rushmore Road. Substitute motion was made by Johnson, seconded by Waugh to continue (No. PW102604-09a), a request to prepare an H-Lot plat for additional right- of-way at the intersection of Fairmont Boulevard and Mount Rushmore Road; (No. PW102604-09b), a request to accept a deed for the H Lot for additional right-of-way at the intersection of Fairmont Boulevard and Mount Rushmore Road; and (No. PW102604-09c), Authorize Mayor and Finance Officer to sign an Agreement with JR Investments, LLC to construct improvements to the western half of the intersection of Fairmont Boulevard and Mount Rushmore Road to the November 15, 2004 City Council meeting.

APPROVAL OF BILLS

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

Payroll Paid Ending 10-16-04, Paid 10-22-04	660,691.41
Payroll Paid Ending 10-31-04, Paid 10-29-04	992,901.35
Payroll Paid Ending 10-16-04, Paid 10-22-04	1,604.80
Pioneer Bank, Taxes Paid 10-22-04	159,705.48
Pioneer Bank, Taxes Paid 10-28-04	246,050.83
Pioneer Bank, Taxes Paid 10-22-04	121.62
First Administrators, claims paid 10-20-04	65,743.65
First Administrators, claims paid 10-27-04	29,239.01
Berkley Risk Administrators, priced billings	19,794.68
Pennington County Auditor, PSB Construction/Parking	157,901.21

Black Hills Power & Light, electricity	85,357.99
United States Postmaster, postage	800.00
Computer Bill List	<u>2,103,199.61</u>
Sub-Total	\$4,523,111.64

Payroll Paid Ending 10-2-04, Paid 10-22-04	1,875.35
Pioneer Bank, Taxes paid 10-22-04	143.43
Black Hills Oil, gas	10.99
Career Learning Center, clerical assessment	15.00
City of Rapid City, postage	0.57
Conoco Phillips, gas	151.28
Marlin Leasing, copier lease	<u>8.09</u>
Total	\$4,525,316.35

CITY ATTORNEY’S ITEMS

Kroeger moved, seconded by Murphy and carried to go into executive session to discuss pending litigation, contractual and personnel matters.

The Council reconvened at 11:35 P.M. with all members present.

Kooiker moved, seconded by French (No. LF101304-08) to continue Authorizing the Mayor and Finance Officer to sign Agreement for Water and Sewer Service with Atlantis, LLC to the November 15, 2004 City Council meeting. Motion carried.

Waugh moved, seconded by Olson to request staff to proceed with Request for Proposals for the purpose of selling City-owned property on Mall Drive and Elk Vale Road.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:36 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)