

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
August 16, 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, August 16, 2004 at 7:00 P.M.

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

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

***Approval of Minutes***

Motion was made by French, seconded by Olson and carried to approve the minutes of August 2, 2004; and correct the July 19, 2004 minutes to reflect a correction in the bill list adding SD Retirement System, Pension paid 07-14-04 in the amount of \$330,930.86 and correcting the total in the amount of \$4,970,413.30.

***Adoption of the Agenda***

The following items were added to the agenda:

- Add Citizen of the Month and Veteran of the Month;
- Add DOC Environmental Assessment for Proposed Elk Vale Road Correctional Facility as item 2A;
- Add budget hearing scheduling as item 2B;
- Add discussion on West Nile as item 3A.

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

***Awards and Recognitions***

Mayor Shaw presented the Citizen of the Month award to Deb Fredrich for her volunteerism to the community. He commended her for her leadership and commitment to making Rapid City a better place to live.

Mayor Shaw presented the Veteran of the Month award to Ed Westphal. He commended him for his outstanding service to the country.

***General Public Comment***

Tonchi Weaver encouraged the Council to move forward with the signalization of the Soo San Drive/Range Road intersection. She said this intersection is a hazard to school children, parents, and people passing through the area. Johnson said there are 5 to 10 intersections in need of signalization but there is no funding at the present time. As a councilman, he will be pushing to put money into fixing some residential streets and signalizing 5 to 10 intersections.

***Bid Openings***

The following companies submitted bids for No. CC081604-01, **Whitehead Ballfield Improvements Phase 2, Project PR04-1404**, which were opened on August 11, 2004:

Shamrock Enterprises, Inc. and Corner Construction Corp. Motion was made by Partridge, seconded by Kooiker and carried to reject all bids and authorize staff to advertise for new bids.

### ***Items from the Mayor***

Bill Kessloff invited the Council members to the Elks Lodge 1187 Day of Remembrance celebration to be held on September 11<sup>th</sup>.

The Mayor reminded the Council of the plan by the Department of Corrections to build a proposed 200-bed minimum security housing unit in northeast Rapid City. The environmental assessment process has been completed and there is a finding of no significant impact. This project is subject to the National Environmental Protection Act guidelines. The Environmental Assessment letter has been received and reviewed by the Council members. He stated it showed no significant impact. Tom Johnson said it is important that it be made clear that there will be no violent offenders housed at this correctional facility. He requested that the Department of Corrections be contacted and ask them to clarify this in writing. Motion was made by Kooiker, seconded by Johnson, and carried to continue this item until the September 7, 2004, Council meeting so that clarification of this can be obtained from the Department of Corrections.

The Mayor stated that there will be a special Council meeting on August 23, 2004, and August 30, 2004, at 5:30 p.m. to review the budget information.

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

Kroeger told the Council that the water conservation committee met and agreed that the conservation measures should be extended. Kroeger moved to extend the water conservation measures through October 31, 2004. Second by French. Motion carried.

Jean French told the Council that she thinks direction should be given to the City Attorney's office to draft an ordinance amendment dealing with standing water on private property. She said it is important to be proactive about this problem. The City's current public nuisance ordinance does not address standing water. Motion was made by French and seconded by Hadley to request the City Attorney's office to draft an ordinance amendment on West Nile and standing water on private property and bring it to the September 15, 2004, Legal and Finance Committee meeting. Alderman Kooiker said he would like a presentation at a committee meeting explaining how this will be dealt with from an enforcement standpoint. Partridge said he does not think this is the right step at this time. He thinks the City should continue with the public awareness and education. Murphy said he will be voting against the motion. He thinks the City has done an excellent job attacking the breeding grounds. Tom Johnson said he takes West Nile serious but he thinks the City has enough feel good ordinances on the books now. A substitute motion was made by Kooiker and seconded by Partridge to take discussion of this item to the September 2, 2004, Legal and Finance Committee meeting. Upon a vote being taken the following voted AYE: Hadley, Chapman, Kroeger, Partridge, Olson, Kooiker, Johnson, and Waugh; NO: Murphy and French.

### ***Continued Items Consent Calendar – Items 4-36***

The following items were removed from the Consent Calendar:

21. No. 04PL092 - A request by Richard O. Stahl for a **Preliminary Plat** on Lots 1-5 of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tracts J, K, L, M and N of Lot 6 of Block 19, Boulevard Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of West Street

and South Street. French moved to continue this item to the September 7, 2004, Council meeting. Second by Murphy. Motion carried.

31. 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. Partridge moved to continue this item to the September 7, 2004, Council meeting. Second by Murphy. Motion carried. Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Sandstone Lane be denied; that the Variance to the Subdivision Regulations to dedicate right-of-way for the existing access easement and to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the access easement be denied; that the Variance to the Subdivision Regulations to waive the requirement to extend a sewer main from Pevans Parkway to proposed Lot 8B be approved; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sandstone Lane be approved; and, that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer along Skyline Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation: Prior to City Council approval, the applicants shall sign a waiver of right to protest any future assessments for the improvements along Sandstone Lane and Skyline Drive.

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

Continue the following items until September 7, 2004:

4. No. 04AN009 - A request by Dream Design International, Inc. for a **Petition for Annexation** on 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.
5. No. 04AN010 - A request by Dream Design International Inc. for a **Petition for Annexation** on 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.
6. 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** on 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.
7. 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** from 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 1/4 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).

8. No. 04CA031 - A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society for an **Amendment to the Comprehensive Plan to change the future land use designation on a 23.11 acre parcel from Low Density Residential to Medium Density Residential with a Planned Residential Development** on a parcel of land located in the West One-Half ( $W\frac{1}{2}$ ) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter ( $NE\frac{1}{4} SW\frac{1}{4}$ ) and Southeast One Quarter of the Northwest One Quarter ( $SE\frac{1}{4} NW\frac{1}{4}$ ) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South

89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence; curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less, located at 5440 Plains Vista Court.

9. 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.
10. 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.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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.
18. 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.
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. 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.
22. No. 04PL093 - A request by Sperlich Consulting, Inc. for Robert Scull for a **Preliminary Plat** on Lot 1, Lot 2 and Drainage Lot, Block 1 and dedicated streets, Commerce Park Subdivision, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Rand Road and Commerce Road.
23. No. 04PL094 - A request by Centerline, Inc. for 3 T's Land Development LLC for a **Preliminary Plat** on Lots 1A, 2A, 3A, 4A, 16 thru 30 and Drainage Lot, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located .5 miles west of Alta Vista Drive and the extension of Middle Valley Drive.
24. 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 as 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.
25. No. 04PL098 - A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society for a **Layout Plat** on Lot 1 of ELGSS Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract D of Medicine Ridge No. 2 and all of Lot 3 of Tower Ridge Subdivision and all of Tract F and Tract G located in the NE1/4 of SW1/4 and SE1/4 of NW1/4 of Section 23, and a portion

of the Point Vista Court right-of-way, all located in the W1/2 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 5440 Plains Vista Court.

26. No. 04PL100 - A request by Dream Design International for a **Preliminary Plat** on Tract A of Tract B of Parcel C, MJK Subdivision, SE1/4 SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Parcel C, MJK Subdivision residing within the S1/2 SW1/4 Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of Elm Avenue and Enchanted Pines Drive.
27. No. 04RZ037 - 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.
28. No. 04RZ038 - A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society for a **Rezoning from General Agriculture District to Medium Density Residential District** on a parcel of land located in the West One-Half ( $W \frac{1}{2}$ ) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter ( $NE\frac{1}{4} SW\frac{1}{4}$ ) and Southeast One Quarter of the Northwest One Quarter ( $SE\frac{1}{4} NW\frac{1}{4}$ ) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner

of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence; curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet

(more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less, located at 5440 Plains Vista Court.

29. No. 04SV035 - A request by Donald Potts for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement and additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 and Lot 2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4 less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 6105 Covenant Drive.
30. 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.
32. 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 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.
33. No. 04SV044 - A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, curb, gutter, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of ELGSS Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the West One-Half (W $\frac{1}{2}$ ) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) and Southeast One Quarter of the Northwest One Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet

(more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence; curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of

Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less, located at 5440 Plains Vista Court.

34. No. 04VE010 - A request by Steven Thingelstad for Western Management Corporation for a **Vacation of Major Drainage Easement** on Lot 2 of Block 2 of Parkridge Village Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Park Drive.
35. 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.

Continue the following item until September 20, 2004:

36. 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.

End of Continued Items Consent Calendar

Motion was made by French, seconded by Murphy and carried to continue **No. 04PL092**, a request by Richard O. Stahl for a **Preliminary Plat** on Lots 1-5 of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tracts J, K, L, M and N of Lot 6 of Block 19, Boulevard Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of West Street and South Street to the September 7, 2004, Council meeting so that the plat can be considered in conjunction with the planned residential development.

Motion was made by Partridge and seconded by Murphy to continue **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 with stipulations to the September 7, 2004, Council meeting. Doug Sperlich of

Sperlich Consulting, Inc. told the Council that this property was platted as part of the Skyline Pines Development in 2001. There are two lots, and they are attempting to take a strip of land from Lot 9 and add it to Lot 8 to make it big enough so it can be split in the middle. In the process of platting, a variance was requested to not build curb, gutter, sidewalk, etc. The only stipulation that is being requested to be waived is the waiver of right to protest on Lot 9. Johnson said there are some instances where curb and gutter are not necessary. He would like to have a discussion at some point about this. A substitute motion was made by French to approve the variance to the subdivision regulations with stipulations with the exception of a waiver of right to protest on Sandstone Drive. Motion died for lack of a second. Sperlich said if their request to waive the waiver of right to protest on Sandstone Drive is not granted, then there is no need to go forward with the rest of the variance. Johnson said he would encourage the petitioner to be patient. Several members of the Council have not taken the time to thoroughly review this matter. He would like to see more discussion before a decision is made on this matter. Hadley said he hasn't had a chance to review this item. He would like to fully understand this before he makes a decision. Johnson said he would like to see this item on the next Legal and Finance Committee agenda for discussion. Elkins said it would be inappropriate for this issue to be discussed outside of a public hearing. Therefore, this would have to be continued to another Council meeting for further discussion. Green said there is a legal requirement that public hearings take place in front of the governing body which would be the City Council as a whole. Any additional information can be provided to the Council members prior to that meeting and should be included on the link to the internet so that it is available to the public as a whole. French said she would like to see the Council make a decision tonight. The request is clear from the information provided. A second substitute motion was made by French to approve the subdivision variance as per the recommendation of the Planning Commission to waive the requirement to dedicate additional right-of-way along Sandstone Lane be denied; that the Variance to the Subdivision Regulations to dedicate right-of-way for the existing access easement and to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the access easement be denied; that the Variance to the Subdivision Regulations to waive the requirement to extend a sewer main from Pevans Parkway to proposed Lot 8B be approved; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sandstone Lane be approved; and, that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer along Skyline Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation: Prior to City Council approval, the applicants shall sign a waiver of right to protest any future assessments for the improvements along Skyline Drive. Second by Kooiker. Kooiker said he is frustrated that the Council is being told they can get the additional information needed by e-mail or memo sent to the Council as long as that information is brought forward at the next Council meeting but discussion on this matter cannot be held at a Legal and Finance Committee meeting even though that meeting is a published committee meeting that all Council members and the press are invited to. Kroeger said because this item was under continued items, he did not even look at it. He would like to see this item continued so that everyone can be informed and ready to make a decision. Kooiker asked Alderman French to consider withdrawing her motion and allowing this item to be continued so the Council members can have time to review the information provided. Motion was withdrawn. A vote was taken on the original motion and carried.

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

This was the time set for hearing on the application of Taira Hoeye dba **St. Joe Pub**, 710 St. Joseph Street for an On-Off Sale Malt Beverage License. Upon motion made by Johnson, seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of Steven C. Lester dba **Rushmore Plaza Holiday Inn**, 505 North Fifth Street for an On-Sale Liquor License. Upon motion made by Johnson, seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of Wal-East Development, Inc. dba **Jackpot Casino**, 1415 North LaCrosse, Suite #3 for an Off-Sale Package Liquor License. Upon motion made by Johnson, seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of **Rapid City Fine Arts Council, Inc.**, for a Special Malt Beverage and Wine License, to be used on August 29, September 17 and 24, 2004 at Dahl Arts Center, 713 7<sup>th</sup> Street. Upon motion made by Johnson, seconded by Waugh and carried, the Council approved the application.

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

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, September 7, 2204.

41. Tom Lehmann dba **Uncle Tom's Rib Shack**, 208 East North Street for an On-Off Sale Malt Beverage License
42. **Rapid City Area Chamber of Commerce** for a Special Malt Beverage and Wine License, to be used on September 14, 2004 at Children Care Rehab & Development Center, 2800 Jackson Blvd.
43. **Rapid City Area Chamber of Commerce** for a Special Malt Beverage and Wine License, to be used on October 12, 2004 at SoDak Gaming, 5301 South Hwy 16.

### **Consent Calendar Items – 44-93**

The following items were removed from the Consent Calendar:

46. Deny the request by Dan Smith for a Special Exception to allow access from a higher order street.
47. Continue the discussion on signalization of Soo San Drive/Range Road intersection to the August 31, 2004 Public Works Committee meeting.
67. Increase the City's Funding for Enchantment Road Completion by \$6,296.23 with the funding source being CIP 910 Streets.
69. LF081104-01 - Approve the request by The Journey Museum to be designated as an authorized shooting gallery, to request a resolution from the Journey Board approving this designation, and to designate the City of Rapid City as an additional insured on any insurance policies The Journey Museum has for activities that occur at the Museum as a result of this designation.
81. No. LF081104-14 – Approve request to hold 2003 International Building Code/2003 International Residential Code training in Rapid City.
83. No. LF081104-10 – Authorize Mayor and Finance Officer to sign Contract with Cellular One and Jack Haggerty for cellular phone service.

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

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

44. Approve the request of Jay Fox, Fischer Furniture, to erect tent in the public right-of-way at 1710 West Main Street beginning September 27 until October 11, 2004; and City of Rapid City to be named as additional insured.
45. No. PW071304-01 – Continue the request to reduce water hook-up fee, Larry Lewis, 1525 Rand Drive, to the August 31, 2004 Public Works Committee Meeting.
48. Send the park land dedication and subdivision regulations to the Planning Commission for further review and to bring a recommendation to bring back to the Public Works Committee at the at first meeting in November.
49. Continue the East Philadelphia/LaCrosse Traffic Signal discussion to the August 31, 2004 Public Works Committee Meeting.
50. Regarding City/School Administration Building, ADA Accessibility, direct staff to proceed with replacing closures and installing automatic openers as soon as possible as discussed for an approximate amount of \$7600 with the City's share not to exceed \$5,000, funding to come from council contingency.
51. Request that staff narrow the alternatives for West-Side Yard Waste Sites to three and bring back to the next Public Works Committee Meeting with a recommendation and additional information on cost.
52. No. PW081004-01 - Approve Permanent Sanitary Sewer Easement at 420 Cambell Street and authorize the expenditure of \$14,530.00.
53. PW081004-02 - Approve Change Order No. 1 for Schamber Addition Water Main Extension Project No. W03-1286 to RCS Construction, Inc., for an increase of \$10,036.72.
54. No. PW081004-03 - Approve Change Order No. 2F for 8<sup>th</sup> Street Water Main Extension Project No. W03-1308 to Mainline Contracting, Inc. for a decrease of \$2,246.93.
55. No. PW081004-04 - Approve Change Order No. 1F for Waterloo Street and Utility Reconstruction Project No. SSW03-1084 to R.C.S. Construction, Inc. for an increase of \$1,312.18.
56. No. PW081004-05 - Approve Change Order No.2F for Sheridan Lake Road Panel Replacement Project No. STCM03-1294 to Simon Contractors of South Dakota, Inc. for a decrease of \$3,148.11.
57. No. PW081004-06 - Approve Change Order No. B05 and final for Roosevelt Park Pool Complex Project No. PR02-1208 to RCS Construction, Inc. for an increase of \$9,648.00.
58. No. PW081004-07 – Authorize staff to advertise for bids for North Elk Vale Sewer Main Extension Project No. SS03-1292-(CIP #50469).
59. No. PW081004-08 - Authorize staff to advertise for bids for Heidiway Lane Sanitary Sewer Extension Project No. SS01-1061 (CIP #50340).
60. No. PW081004-09 - Authorize staff to advertise for bids for Centre Street Sewer Main Extension Project No. SS00-940-(CIP #50275).
61. No. PW081004-10 - Approve Amendment #1 to Professional Service Agreement with CETEC Engineering for the design of the Catron Boulevard Sanitary Sewer Extension, Hwy. 79 to Fifth Street, Project SS01-1052 for an amount not to exceed \$8,310.00.
62. No. PW081004-11 – Approve the Initial Resolution Setting time and place for hearing on Resolution of Necessity for Block 8 Alley Paving (West Boulevard Addition) Project No. ST03-1330.

INITIAL RESOLUTION  
FOR  
BLOCK 8 ALLEY PAVING (WEST BOULEVARD ADDITION)  
PROJECT NO. ST03-1330

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

1. This Council deems it necessary to improve by installing approximately 250 linear feet of sanitary sewer and paving approximately 600 linear feet of alley located in Block 8, West Boulevard Addition, as outlined in the proposed Resolution of Necessity for Block 8 Alley Paving (West Boulevard Addition) Project ST03-1330, which is on file with the

Finance Officer. Sixty percent (60%) of the costs for will be assessed to the affected property owners on an equal benefit basis for the sanitary sewer, and on the basis of front footage for the alley paving improvements.

2. This Council will meet at the City/School Administration Center in the City of Rapid City, South Dakota, on Monday the 20<sup>th</sup> day of September, 2004 at 7:00 P.M. for the purpose of considering any objections to such proposed Resolution of Necessity. The Finance Officer is directed to give notice of such meeting by publishing the time and place of such meeting once each week for two successive weeks in the official newspaper of the City.

Dated this 16th day of August, 2004.

THE CITY COUNCIL  
s/ Jim Shaw, Mayor

ATTEST:

s/ James F. Preston  
Finance Officer  
(SEAL)

- 63. No. PW081004-12 – Approve Out of the Dust Funds in the amount of \$4,177.00 for Asphalt Paving of a portion of an alley as located in Block 8 of the Schnasse Addition Project No. ST04-1386.
- 64. No. PW081004-13 – Approve Request to solicit Statements of Qualifications and Request for Proposals for Jackson Springs Water Treatment Facility.
- 65. Approve renewal of Sodium Chloride contract between The City of Rapid City and Nebraska Salt and Grain Company for a ton delivered price of \$40.96 per ton.
- 66. No. PW071304-09 - Approve the U.S. Highway 16 Corridor Study Final Report.
- 68. Forward the request to the City to Vacate Right of Way to the Water Department for recommendation.

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

- 70. No. LF081104-02 – Approve request by Again Books to place tables and chairs in right of way.
- 71. No. LF081104-16 – Authorize the Rapid City Beatification Committee to proceed with the application for a grant from the Gwendolyn L. Stearns Foundation in the amount of \$50,000.
- 72. No. LF081104-03 – Approve appointment of Suzanne Wilson to the Beautification Committee.
- 73. No. LF081104-04 – Approve appointment of Jerry Brown to the Airport Board.
- 74. No. LF081104-05 – Continue approval of the Five Year Plan to the September 1, 2004, Legal and Finance Committee meeting.
- 75. No. LF072804-03R – Approve 2004 Amended Capital Plan for Streets, Drainage and MIP Projects.
- 76. Request the Mayor to appoint a task force consisting of staff (including the fire chief and police chief), council members, and members of the public to study downtown parking during annual bike rally.
- 77. No. LF081104-06 – Approve Event Permit for Red Ribbon Committee to hold parade on October 23, 2004.
- 78. Approve Travel Request for Chief Craig Tieszen, Ray Cornford, Vicki Jaco, and Natalie Bailey to attend CALEA Conference in August, Texas, from December 1-4, 2004, in the approximate amount of \$5,028.
- 79. No. LF081104-17 – Authorize Mayor and Finance Officer to sign State of South Dakota Fire Suppression Agreement with the City of Rapid City.

- 80. No. LF081104-08 – Approve Travel Request for Don Jarvinen to attend Introduction to Programming ArcObjects with VBA in Broomfield, CO, September 20-24, 2004, in an amount not to exceed \$2,957.25.
- 82. No. LF081104-15 – Approve Fiscal Year 2004 Community Development Block Grant Subrecipient Contracts and authorize Mayor and Finance Officer to sign contracts.
- 84. No. LF072804-07R – Approve the following changes to item No. 11 of the Standard Schedule of Disciplinary Offenses/Penalties for City of Rapid City Employees: First offense: Reprimand to 5 days suspension; Second offense: 1 to 5 day suspension; Third offense: 5 day suspension to dismissal.
- 85. No. LF081104-18 – Authorize Mayor and Finance Officer to sign Instructional Contract with Shelly Kaup.
- 86. Reject all bids for the Dahl Fine Arts Center Expansion, Elevator Replacement Project No. IDP04-1367.
- 87. No. LF081104-11 – Approve Professional Services Contract and authorize Staff to enter into Contract with officials, referees & scorekeepers.
- 88. No. LF081104-12 – Approve Resolution Authorizing Special Rates for the Rapid City Ice Arena and Swimming Pools.

RESOLUTION AUTHORIZING SPECIAL RATES FOR  
THE RAPID CITY ICE ARENA AND SWIMMING POOLS

WHEREAS the City has previously granted authorization to the Golf Professional to offer specials to encourage attendance and play at the City's golf courses; and

WHEREAS those specials have been successful in encouraging play at the municipal courses and additional revenue has been generated, and

WHEREAS the City's indoor pool was opened to the public in May of 2004 and has enjoyed significant use by the general public, and

WHEREAS the City's Ice Arena is in its third year of operation and promotional and marketing strategies are necessary.

NOW, THEREFORE BE IT RESOLVED that the Director of Parks and Recreation is hereby authorized to offer special rates and pricing for the Rapid City Ice Arena and Swimming Pools as he shall determine to be appropriate for the purpose of encouraging attendance and pass sales.

DATED this 16th day of August, 2004.

THE CITY COUNCIL  
s/ Jim Shaw, Mayor

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

- 89. No. LF072804-21 – Continue authorization for Mayor and Finance Officer to sign Development Agreement for Tax Increment District No. 44 to the September 1, 2004, Legal and Finance Committee meeting.
- 90. No. LF081104-13 – Approve Travel Request for Jason Green to attend IMLA Annual Conference in San Antonio, TX, October 2-6, 2004, in the approximate amount of \$2,100.
- 91. Approve the following licenses: Plumbing Contractor: Steve Bell, Steve's Comfort Systems; Plumber: Richard K. Tollefson; Residential Contractor: Americraft Custom Remodeling, Inc., Carmen Thompson; Trenching Journeyman: Kevin Bartles, Dean Stygles.

**Planning Department Consent Items**

92. 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.
93. No. 04PL099 - A request by Fisk Land Surveying and Consulting Engineers for Dan Haggerty for a **Preliminary Plat** on Lots 1A through 1F of Lot 1 of Hillsview Subdivision #2, located in the SW1/4 SW1/4 Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Hillsview Subdivision #2, located in the SW1/4 SW1/4 Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Red Dale Drive and West Saint Patrick Street.

## END OF CONSENT CALENDAR

The next item discussed by the Council was denial of the request by Dan Smith for a Special Exception to allow access from a higher order street. Motion was made by Kroeger, seconded by Waugh, and carried to continue this item to the September 20, 2004, Council meeting.

The next item discussed by the Council was continuation of the discussion on signalization of Soo San Drive/Range Road intersection to the August 31, 2004 Public Works Committee meeting. Kooiker said based on the discussion at the Public Works Committee meeting, the east side aldermen want this light more than the Ward Five Alderman present at the meeting. This intersection has been identified as a priority. He would like to move forward on this in a matter of weeks. Tonchi Weaver said the traffic at this intersection is an all day problem. Mayor Shaw said the Public Works Department has done a study on this area and there is also a PATH Committee designed for situations like this which could address this problem. Ted Vore said a traffic light would cost in the neighborhood of \$100,000. Partridge said he is concerned about this intersection. The cost, the funding source, and the traffic study need to be taken into consideration before the Council funds another stop light. This intersection is currently number 20 or 21 on a list of 25 for intersections that need stop lights. He would like to look at all the information at the next Public Works Committee meeting. Olson said she thinks a broader look at the issues community wide is important in making a wise safe decision, as well as a wise financial decision. Motion was made by Johnson and seconded by Waugh to continue this to the September 7, 2004, Council meeting and the August 31, 2004, Public Works Committee meeting. Kooiker said the Bergquist school light needs to go somewhere. Maybe it won't fit at this intersection, but he would ask the Council to move forward on this intersection as quickly as possible. Kroeger said over his term on the Council, he does not recall discussion on putting a traffic light at this intersection. Motion carried.

Motion by Johnson, seconded by Waugh and carried to correct the amount of the City's funding for Enchantment Road completion to be \$2,696.23 instead of \$6,296.23 with the funding source being CIP 910 Street.

Motion was made by Johnson and seconded by Waugh to approve the request by The Journey Museum (LF081104-01) to be designated as an authorized shooting gallery, to request a resolution from the Journey Board approving this designation, and to designate the City of Rapid City as an additional insured on any insurance policies The Journey Museum has for activities that occur at the Museum as a result of this designation. Green asked that this item be continued for two weeks because the City has not received the certificate of insurance. Ray Summers, Director of The Journey Museum, said he will have the certificate of insurance showing the City as an additional insured by tomorrow. A substitute motion was made by

Partridge, seconded by Kroeger, and carried to approve the request contingent upon satisfactory proof of the certificate of insurance being provided.

The next item discussed by the Council was No. LF081104-14 – approve request to hold 2003 International Building Code/2003 International Residential Code training in Rapid City. Kooiker said he would like notification of this training to be widely publicized. Elkins said staff will be working with the homebuilders association when setting the dates for this training. Motion was made by Johnson, seconded by Kooiker, and carried to approve this request.

Motion was made by Johnson and seconded by Kroeger to Authorize Mayor and Finance Officer to sign contract with Cellular One and Jack Haggerty for cellular phone service (No. LF081104-10). Kooiker said there are some concerns regarding this contract. A substitute motion was made by Kooiker to continue this item. Motion died for lack of a second. Kooiker said he has received information from someone in the community who expressed their concerns regarding the competitive nature of the contract. There were three bidders for this contract, Cellular One, Verizon, and Cellular Center. The concerns are as follows: a) the bid document indicates that one person would be provided as a contact for all the City's questions and problems but Cellular One requires calling two departments and Cellular Center requires calling one; b) Cellular One is charging 10 cents a minute for toll charges while Cellular Center is giving free nationwide long distance from South Dakota; c) Cellular One is charging 50 cents per month for voice mail while Cellular Center is not; d) Cellular Center offers unlimited mobile to mobile while Cellular One has a specific limit depending on the plan option; e) Cellular Center offers unlimited night and weekend calling while Cellular One does not offer any unless you take the national plan; f) Cellular Center offers a choice of free phones with an option for others at a reduced price while Cellular One offers only one model; and g) Cellular Center offers a 25 percent discount on all accessories while Cellular One offers a 15 percent discount. These are questions that need to be answered. He would like to see this item continued so these questions can be answered. Finance Officer Jim Preston said currently there are 203 cell phones in all departments. The current contract is with Verizon. The task force's recommendation was Cellular One because it offers six different plan options. The highest plan offered was \$40 per month with 800 pool minutes and the lowest price was \$30 a month. The Cellular Center offered two plans. One was for \$40 a month and 1,000 pool minutes and the other one was \$9.95 but did not offer any pool minutes. Based on the usage by the City, it was the task force's recommendation to go with Cellular One. Partridge said some items could look better than others with a different carrier but he would encourage the Council members to trust the staff's recommendation. Motion carried with Kooiker voting NO.

### ***Public Hearings***

The Mayor announced that the meeting was open for consideration of the security license application for Donald Osmonson, 100 Surfwood Drive, Apt. 31. Johnson moved to deny the application. Second by French. Mr. Osmonson said he was in a depressed state of mind at the time of the theft. He learned from his mistake and it is behind him now. Chief Tieszen said Mr. Osmonson has a recent conviction for theft. He said that as a result of this, he cannot recommend that the City license Mr. Osmonson at this time. Johnson said in light of the theft being so recent, the City has no option but to deny the license. Motion carried.

### ***Planning Department Items***

The Mayor presented No. 04CA032 - A request by the City of Rapid City for an **Amendment to the Comprehensive Plan adopting the U.S. Highway 16 Corridor Study Future Land Use Plan** 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. Motion was made by Hadley and seconded by French, and carried to continue this item to the September 7, 2004, City Council meeting. Olson said in describing this item, it has not been made clear with the public whether

this corridor study relates to roads or future land use. She said the Planning Commission is meeting on this item on August 19, 2004, at 6:00 p.m. A vote was taken and the motion carried.

Motion was made by Hadley, seconded by French, and carried to authorize Mayor and Finance Officer to sign a waiver of right to protest a future assessment for street improvements on the following described property: described by metes and bounds 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 (04SV031).

The Mayor presented No. 04SV031 - A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code on property described by metes and bounds 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. Motion was made by Hadley, seconded by French, and carried to approve the requested variance with the following stipulations: Upon submittal of the Preliminary Plat, road construction plans shall be submitted identifying the construction of the north 200 feet of the north-south leg of Fairmont Boulevard with curb, gutter, sidewalk, street light conduit, water, sewer and pavement; upon submittal of the Final Plat application, the plat document shall provide a minimum 80 foot wide right-of-way for all of Fairmont Boulevard; and prior to submittal of the Final Plat submittal, the applicant shall sign a waiver of right to protest any future assessments for pavement and sidewalk improvements along the southern 300 feet of Fairmont Boulevard as it abuts the subject property.

Motion was made by Hadley, seconded by French, and carried to authorize the Mayor and Finance Officer to sign a waiver of right to protest a future assessment for street improvements on the following described property: 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 (04SV032).

The Mayor presented No. 04SV032 - A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code on property described by metes and bounds 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. Motion was made by Hadley, seconded by French, and carried to approve the requested variance with the following stipulations: upon submittal of the Final Plat application, the plat document shall provide a minimum 80 foot wide right-of-way for all of Fairmont Boulevard; and, prior to submittal of the Final Plat submittal, the applicant shall sign a waiver of right to protest any future assessments for pavement and sidewalk improvements along the southern 300 feet of Fairmont Boulevard as it abuts the subject property.

The Mayor presented No. 04SV043 - 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, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code on Lot 7 of Block 1 and Tract A of 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 SE1/4 of the NW1/4, the unplatted portion of the NE1/4 of the SW1/4, Section 14, T2N, R6E, BHM, Pennington County, South Dakota, located along Palmer Road north of Nemo Road. Motion was made by Hadley, seconded by French, and carried to deny said variance.

The Mayor presented No. 04VR005 - A request by Dream Design International, Inc. for a Vacation of Section Line Highway on the W1/2 of 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. Motion was made by Hadley, seconded by Johnson, and carried to acknowledge withdrawal of this item per the applicant's request.

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

**Ordinance 4074** (No. LF063004-06) entitled An Ordinance Amending the Sign Code Allowing Variance for Relocation of Existing Signs Due to Public Improvement Projects having passed first reading on July 19, 2004; it was moved by Johnson and seconded by Murphy to deny

second reading. A substitute motion was made by Kroeger, seconded by French, and carried to continue second reading to the September 7, 2004, City Council meeting to allow the City and the State to meet and come up with options.

**Ordinance 4081** (No. LF081104-09) entitled An Ordinance Regarding Supplemental Appropriation No. 3 for 2004 was introduced. Upon motion made by Johnson, seconded by Waugh and carried, Ordinance 4081 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Tuesday, September 7, 2004.

**Ordinance 4082** (No. LF081104-07) entitled An Ordinance Adopting the 2003 International Fire Code was introduced. Upon motion made by Johnson, seconded by French and carried, Ordinance 4082 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Tuesday, September 7, 2004.

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

Motion was made by Johnson and seconded by Waugh to approve expenditure of up to \$2,000 from Council Contingency for a 2012 advertising campaign. Partridge said the City can get an application for the 2012 committees printed in the newspaper for \$1,750 and also an application can be inserted into every chamber packet for approximately \$300. Partridge asked that a friendly amendment be made to the motion to approve expenditure not to exceed \$2,100 from Council Contingency for a 2012 advertising campaign. Motion carried.

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

The Mayor presented No. 04VE015 - Vacation of Utility and Drainage Easement for petitioner Ferber Engineering Company, Inc. for Cregut Inc. on Lot 1 of Lot C of Lot 1 of Rohrer Subdivision located in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7800 Alberta Drive. The following resolution was introduced, read and Hadley moved its adoption:

#### RESOLUTION OF VACATION OF UTILITY AND DRAINAGE EASEMENT

WHEREAS it appears that the Utility and Drainage Easement on Lot 1 of Lot C of Lot 1 of Rohrer Subdivision located in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7800 Alberta Drive, is not needed for public purposes; and

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

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

Dated this 16<sup>th</sup> day of August, 2004.

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

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

The motion for adoption was seconded by French. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Partridge, Olson, Kooiker, Johnson, and Waugh; NO: None. Whereupon said resolution was declared duly passed and adopted.

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

Payroll Paid Ending 07-24-04, Paid 07-30-04	737,914.79
CDev Payroll Ending 07-24-04, Paid 07-30-04	1,604.80
Pioneer Bank, Taxes Paid 07-30-04	177,793.03
CDev Pioneer Bank, Taxes Paid 07-30-04	121.62
First Administrators, Claims Paid 08-04-04	46,698.21
First Administrators, Claims Paid 08-10-04	74,082.88
Berkley Risk Administrators, July Claim Payments	35,985.54
Black Hills Power & Light, Electricity	16,325.06
Computer Bill List	4,520,356.74
Total	<u>\$5,610,205.52</u>

Payroll Paid Ending 07-24-04, Paid 07-30-04	2,776.80
Pioneer Bank, Taxes Paid 07-30-04	201.55
City of Rapid City, postage	4.56
City of Rapid City, Health Insurance Trust, July Health	824.00
Dakota Business Center, copier	30.56
Rushmore Plaza Holiday Inn, Recognition Dinner	2,574.00
Simpson's Printing, Dinner Programs	267.00
SD Retirement System, July Retirement	439.13
Standard Life, August Life	7.92
Angie Weeks, staff mileage	33.36
Total	<u>\$5,618,041.55</u>

**City Attorney's Items**

Motion was made by Kroeger, seconded by French and carried to go into Executive Session to discuss pending litigation, contractual matters, and personnel matters. The Council came out of Executive Session at 9:30 P.M.

Partridge moved to authorize the Mayor and Finance Officer to sign a settlement agreement with ICAD Software. Second by French. Motion carried.

Green told the Council that information has been received that the owner of the property located at 405 St. Joseph Street is in the process of taking care of the hole and the resulting damage to the public right of way and other adjoining properties. French moved to request staff to obtain informal quotes to remedy the nuisance situation located at 405 St. Joseph Street. Second by Olson. Motion carried.

As there was no further business to come before the Council at this time, the meeting adjourned at 9:40 P.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance Officer  
(SEAL)