

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

September 20, 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, September 20, 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, Jeff Partridge, 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 and Administrative Assistant Jackie Gerry.

**APPROVE MINUTES**

French moved, seconded by Murphy and carried to approve the minutes of September 7 and 13, 2004

**ADOPTION OF THE AGENDA**

The following items were added to the agenda:

- Council Rules and Procedures, Kooiker
- Executive Session to discuss pending litigation, contractual and personnel matters

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

**AWARDS AND RECOGNITIONS**

Mayor Shaw recognized the following City employees for their years of service to the community: Clifford Peterson of the Police Department, 20 years; Carl Schwarzenberg of the Police Department, 25 years; and Cathy Druckrey, Human Resources Department, 20 years.

**GENERAL PUBLIC COMMENT**

At this time Mayor Shaw recognized Mike Bowers, 5575 Wildwood Drive; Jay Davis, 1123 Northeast Drive and Ann Renke; all who spoke to the need of the Horace Mann swimming pool for users of all ages and the surrounding neighborhood.

**BID OPENINGS**

French moved, seconded by Partridge and carried to refer (No. CC092004-01) the bid award of Heidiway Lane Sanitary Sewer Extension Project No. SS01-1061 to the September 28, 2004 Public Works Committee meeting.

**ITEMS FROM COUNCIL MEMBERS/LIAISON REPORTS**

Alderman Kooiker addressed No. CC092004-02, Jolly Lane Maintenance and Elks Country/Plum Creek Access explaining the City's need to perform the maintenance on the roadway until there is a secondary access to these subdivisions. He indicated the South Dakota Department of Transportation has been notified in writing with the City's request for a secondary access point. Kooiker moved, seconded by Johnson that Rapid City maintains Jolly Lane until a secondary access can be provided to Elks Country Estates and Plum Creek. James McEwen, 3867 Byrum Court addressed the Council reporting the deteriorating conditions of Jolly Lane and expressed support for the maintenance of the street by Rapid City. Alderman Johnson indicated Rapid City, in the short-term, must make the necessary improvements and suggested Rapid City must look at annexation. James Galvin, 3500 Lions Paw Court appeared before the Council reporting the hazards of driving this roadway and suggested the street be reconstructed, street lighting installed, and drainage addressed. He also asked that the SDDOT open South Valley Drive for emergency access. In response to a question from Alderman Partridge, staff explained that Rapid City owns approximately five percent of the roadway at the south-end and the remainder is owned by Pennington County; and the maintenance costs are not included in the 2005 budget would be appropriated from the General Fund Budget of the Street Department. Alderman French suggested annexation of the area. Upon a vote being taken on the motion, motion carried with Partridge voting NO.

French moved, seconded by Johnson to authorize staff to seek the voluntary annexation of the appropriate properties, including the right-of-way. Motion carried.

Alderman Kooiker voiced his opposition to discussing the Ward 5 Council vacancy in Executive Session. City Attorney Green clarified that the State Statute is clear and it is appropriate to discuss this vacancy in Executive Session. Alderman Hadley commented that the discussion was on the process of appointing someone to fill the vacancy and not on the merits of whether a person is competent to fill the vacancy. Alderman Murphy pointed out the City has an existing procedure in place. Alderman Kroeger responded he wanted discussion on the options available to the Council on how to fill the Council vacancy. No action was taken on this discussion.

**CONTINUED ITEMS CONSENT CALENDAR** – Items 5-33

The following items were removed from the Consent Calendar:

19. No. 04PL107 - A request by FMG, Inc. for Wyss Associates, Inc. for a Preliminary Plat on Lots 42A, 42B, 43A, 43B, 44A, 44B, 45A, 45B, 46A, 46B, 47A, 47B, 48A, 48B, 49A, 49B, 50A, 50B, 51A, 51B, 52A, 52B, 53A, 53B, 54A, 54B, and platted private drive and utility easement shown as Mulligan Mile all located in Village on the Green No. 2 Subdivision, located in the NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota, legally described as a portion of previously platted Golf Course Parcel and Gate House Parcel of Hart Ranch Development located in NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota, generally extending from the current eastern terminus of Mulligan Mile.

Hadley moved, seconded by French and carried to continue the following items as indicated.

Continue the following items until October 4, 2004:

4. No. 04CA033 - A request by Dream Design International for an Amendment to the Comprehensive Plan by changing the future land use designation on an approximate 21.8 acre parcel from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development on property described by metes and bounds beginning at the northwest intersection of the Right-of-way of Cherry Avenue and Sunnyside Avenue, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, Thence First Course: S90°00'00"W - 170.00'; Thence Second Course: N50°00'00"E - 843.73'; Thence Third Course: N00°00'00"E - 398.80'; Thence Fourth Course: S61°38'00"E - 629.13'; Thence Fifth Course: S42°00'00"E - 133.00'; Thence Sixth Course: S62°00'00"E - 276.00'; Thence Seventh Course: S69°00'00"E - 351.00'; Thence Eighth Course: S27°00'00"W - 405.36'; Thence Ninth Course: Along an arc to the left chord bearing S78°08'34"W a distance of 597.75' which radius is 2133.30' an arc distance of 599.72'; Thence Tenth Course: N00°11'27"W - 198.19'; Thence Eleventh Course: S89°51'40"W - 920.61' to the Point of Beginning, containing 21.8 Acres more or less, generally lying south of Interstate 90, east of Spruce Street, north of Anamosa Street and north of the existing Railroad right-of-way, and approximately 1000 feet west of the intersection of I-90 and Exit 60 (East North Street).
5. No. 04CA038 - A request by Dream Design International for an Amendment to the Comprehensive Plan by changing the future land use designation on an approximate 2.2 acre parcel from Medium Density Residential to General Commercial with a Planned Commercial Development on property described by metes and bounds beginning at the SE corner of Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota: Thence N89°44'10"E - 80.00' to the True Point of Beginning; Thence First Course: N90°00'00"E - 219.82'; Thence Second Course: N44°44'10"E - 319.22'; Thence Third Course: Along an arc to the left chord bearing N81°28'53"W a distance of 450.83' which radius is 1344.30' an arc distance of 452.97'; Thence Fourth Course: S00°15'50"E - 293.55' to the True Point of Beginning, containing 2.2 Acres more or less, generally located southeast corner of the intersection of Luna Avenue and Spruce Street.
6. No. 04CA039 - A request by Dream Design International for an Amendment to the Comprehensive Plan by changing the future land use designation on an approximate 1.9 acre parcel from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development on property described by metes and bounds beginning at the SE corner of Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Pennington County, SD: Thence N89°44'10"E - 80.00'; Thence N90°00'00"E - 219.82' to the True Point of Beginning; Thence First Course: N90°00'00"E - 689.19'; Thence Second Course: N61°38'00"W - 265.21'; Thence Third Course: Along an arc to the left chord bearing N66°26'49"W a distance of 252.15' which radius is 1344.30' an arc distance of 252.52'; Thence Fourth Course: S44°44'10"W - 319.22' to the True Point of Beginning, containing 1.9 Acres more or less, generally located approximately 220 feet east/southeast of the southeast corner of the intersection of Luna Avenue and Spruce Street.
7. 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.

8. No. 04FV017 - A request by Jadon Construction for James L. Oconnell for a Fence Height Exception to allow a six foot high fence in the front yard setback on Lot 5, Block 1, Sioux Park Addition, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2318 Lance Street.
9. No. 04FV018 - A request by Jadon Construction for Lillian Stone for a Fence Height Exception to allow a six foot high fence in the front yard setback on Lot 6, Block 1, Sioux Park Addition, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2322 Lance Street.
10. No. 03PL045 - A request by Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz for a Preliminary and Final Plat on Lots A and B of Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1903 North Maple Avenue.
11. No. 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.
12. 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.
13. 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.
14. 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.

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, generally 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, generally located west of the future intersection to Elm Avenue and Field View Drive.
17. 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, generally located at the northeast corner of Elm Avenue and Enchanted Pines Drive.
20. No. 04RZ039 - A request by Dream Design International for a Rezoning from General Agriculture District to General Commercial District on Tract C of the SW¼ and an unplatted portion of the SW¼ of Sec. 29, and SE¼ of Section 30, T2N, R8E, Rapid City, Pennington County, South Dakota described as follows: Beginning at the northwest intersection of the Right-of-way of Cherry Avenue and Sunnyside Avenue, Thence First Course: S90°00'00"W - 170.00'; Thence Second Course: N50°00'00"E - 843.73'; Thence Third Course: N00°00'00"E - 600.54'; Thence Fourth Course: N90°00'00"W - 1000.49'; Thence Fifth Course: N00°04'37"W - 1076.46'; Thence Sixth Course: Along an arc to the right with a chord bearing S74°34'20"E and a length of 637.90' with radius of 2142.00' an arc length of 640.29'; Thence Seventh Course: Along an arc to the right with radius of 2906.00' an arc distance of 221.90'; Thence Eighth Course: S61°38'02"E - 1274.64'; Thence Ninth Course: S41°50'06"E - 132.85'; Thence Tenth Course: S61°38'02"E - 225.00'; Thence Eleventh Course: S68°57'37"E - 352.88'; Thence Twelfth Course: S61°38'02"E - 175.00'; Thence Thirteenth Course: S50°01'40"E - 101.98'; Thence Fourteenth Course: S61°20'16"E - 125.00'; Thence Fifteenth Course: S72°38'51"E - 101.98'; Thence Sixteenth Course: S61°56'20"E - 315.51'; Thence Seventeenth Course: S00°07'29"E - 311.11'; Thence Eighteenth Course: S00°07'37"E - 280.18'; Thence Nineteenth Course: S00°07'31"E - 347.13'; Thence Twenty-first Course: N63°19'45"W - 138.40'; Thence Twentieth Course: Along an arc to the left chord bearing N86°23'34"W a distance of 1704.20' which radius is 2173.30' an arc distance of 1751.19'; Thence

Twenty-second Course: N00°11'27"W – 145.14'; Thence Twenty-third Course: S89°51'40"W - 920.61' to the Point of Beginning, containing 93.2 Acres more or less, generally lying south of Interstate 90, east of Spruce Street, north of Anamosa Street and north of the existing Railroad right-of-way, and approximately 1000 feet west of the intersection of I-90 and Exit 60 (East North Street).

21. No. 04RZ044 - A request by Dream Design International for a Rezoning from Medium Density Residential District to General Commercial District on property described by metes and bounds beginning at a point N89°44'10"E and a distance of 80.00' from the SE corner of Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota: Thence First Course: N00°15'50"W – 379.98'; Thence Second Course: S89°38'28"W – 80.00'; Thence Third Course: N00°15'25"W – 714.05'; Thence Fourth Course: N89°42'58"E – 40.76'; Thence Fifth Course: Along an arc to the right with a chord bearing S88°05'47"E a distance of 221.85' which radius is 2906.00' an arc distance of 221.90'; Thence Sixth Course: Along an arc to the right with a chord bearing S84°31'20"E a distance of 103.66' which radius is 2142.00' an arc distance of 103.67'; Thence Seventh Course: S00°04'37"E – 1076.46'; Thence Fourth Course: N90°00'00"W – 282.17' to the Point of Beginning, containing 8.4 Acres more or less, generally lying south of Interstate 90, east of Spruce Street, north of Anamosa Street and north of the existing Railroad right-of-way, and approximately 1000 feet west of the intersection of I-90 and Exit 60 (East North Street).
22. 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.
23. 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.
24. No. 04SV046 - A request by Ann R. Perry for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code on Lots 11A and 11B of the Holy Cow Ranch Subdivision located in Gov't Lots 3 and 4 of Section 19, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot 11 of the Holy Cow Ranch Subdivision located in Gov't Lots 3 and 4 of Section 19, T1N, R9E, BHM, Pennington County, South Dakota, located at 23302 Radar Hill Road.
25. 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.

26. 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, generally located north of I-90 and west of Elk Vale Road.

Continue the following item until October 18, 2004:

27. 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.

28. 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.
29. 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<sup>1</sup>/<sub>2</sub>) 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<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>) and Southeast One Quarter of the Northwest One Quarter (SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>) 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.

30. 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.

31. No. 04SV049 - A request by TSP for Rob Poeppel for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code on Lots 1 and 2 of Block 4 of Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as 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 November 1, 2004:

32. 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.

Continue the following item until November 15, 2004:

33. No. 04FV012 - A request by Dennis Rogers for a Fence Height Exception to allow a seven foot six inch fence in a Low Density Residential District on Lot 13, Block 16, South Robbinsdale Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 801 East Indiana Street.

End of Continued Items Consent Calendar

The Mayor presented No. 04PL107, a request by FMG, Inc. for Wyss Associates, Inc. for a Preliminary Plat on Lots 42A, 42B, 43A, 43B, 44A, 44B, 45A, 45B, 46A, 46B, 47A, 47B, 48A, 48B, 49A, 49B, 50A, 50B, 51A, 51B, 52A, 52B, 53A, 53B, 54A, 54B, and platted private drive and utility easement shown as Mulligan Mile all located in Village on the Green No. 2 Subdivision, located in the NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota, legally described as a portion of previously platted Golf Course Parcel and Gate House Parcel of Hart Ranch Development located in NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota, generally extending from the current eastern terminus of Mulligan Mile. Erik Heikes, Wyss Associates addressed the Council requesting approval with the stipulations as outlined. Growth Management Director Elkins reminded the Council of the submittal deadlines and suggested the stipulations had not been met. Johnson moved, seconded by Murphy to continued this item to October 4, 2004. Elkins asked for a continuance to the end of the meeting. With the consent of the Council, Johnson withdrew the motion. Kroeger moved, seconded by French and carried to continue to later in the meeting.

### **ALCOHOLIC BEVERAGE LICENSE APPLICATIONS**

Mayor Shaw opened the public hearing on the following license application: Rapid City Fine Arts Council, Inc. for a Special Malt Beverage and Wine License, to be used on September 28 and November 9, 2004 at Dahl Arts Center, 713 7<sup>th</sup> Street. No public comments were made. Johnson moved, seconded by Waugh and carried to close the public hearing. Johnson moved, seconded by Waugh and carried to approve the above listed application.

### **CONSENT CALENDAR ITEMS** – 35-76

The following items were removed from the Consent Calendar:

- 38. Approve offering City water to Longview Sanitary and Water District on the contingency the Public Works and Fire Departments approve the feasibility to maintain adequate flows and to charge them 150 percent of the City's current water rate
- 62. No. LF091504-08 Approve Resolution Recognizing the City of Rapid City Employee Compensation Policy in Accordance with the Fair Pay Plan

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

### ***Set for Hearing (October 18, 2004)***

- 35. 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.
- 36. No. 1135 - A request by Teton Coalition, Inc. for a Vacation of Public Right-of-way on 25 feet of the alley right-of-way located adjacent to Lot 69, Dakota Subdivision No. 1, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 631 Sitting Bull Street.

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

37. Approve the sidewalk replacement on 5<sup>th</sup> and 6<sup>th</sup> Streets between Main and Omaha; and add this project to the Miscellaneous Improvements Project list
39. PW091404-02 Approve Change Order No. 1F for Fitzgerald Stadium Parking Lot Overlay Project No. PR04-1400 for a decrease of \$6,397.12
40. PW091404-03 Authorize Mayor and Finance Officer to sign Amendment #1 to a Professional Services Agreement with AET, Inc. for the 2003 Geotechnical Investigation for an amount not to exceed \$10,100.00
41. PW091404-04 Authorize Mayor and Finance Officer to sign an Engineering and Surveying Services Agreement with Renner Engineering Company for the Eleventh Street Sanitary Sewer Reconstruction Project SS04-1421 for an amount not to exceed \$8,000.00
42. PW091404-05 Authorize Mayor and Finance Officer to sign an Agreement with Patrick Tlustos for the purpose of constructing the Sheridan Lake Road and Sunset Vista Road Water Main Extension Project No. W00-947
43. PW091404-06 Authorize Mayor and Finance Officer to sign Amendment #2 to a Professional Services with Kadrmars, Lee & Jackson, Inc. for East Eglin Lift Station and Force Main Project No. SS03-1292 for an amount not to exceed \$3,419.00
44. PW091404-07 Approve a Resolution imposing supplemental tap fees for connection to the sanitary sewer utility for Wildwood Street and Utilities Project No. WSS00-943

#### RESOLUTION

WHEREAS, Rapid City Municipal Code Section 13.04.0095 and SDCL 9-47-16 allows the City Council to impose supplemental tap fees for connection to the sanitary sewer utility in certain areas; and

WHEREAS, a sewer main was installed in a portion of Wildwood Drive and Una Del Drive under the Wildwood Street and Utilities Project No. WSS00-943 as shown on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the total project cost to complete the sanitary sewer extension portion of this project is \$168,401.13, which includes \$161,901.13 in construction costs, and \$6,500.00 in design costs; and

WHEREAS, the total project costs of the sanitary sewer construction of the Wildwood Street and Utilities Project No. WSS00-943 should be apportioned on an equal benefit to each property within the defined boundary; and

WHEREAS, Exhibit A attached hereto and incorporated herein represents the properties benefiting from the sanitary sewer portion of WSS00-943, the tap fee is established at \$5,613.37 per property; and

WHEREAS, some properties have already connected to the sanitary sewer and paid an estimated tap fee of \$5,700.00 will be due a refund in the amount of \$86.63; and

WHEREAS, the City Council finds, after conducting a comprehensive investigation of the properties benefited by the construction of the sanitary sewer portion of the Wildwood Street and Utilities Project No. WSS00-943, that such supplemental tap fees are appropriate and in the best interests of the City, community, and the sewer utility.

NOW, THEREFORE, be it resolved that supplemental tap fees are hereby imposed on the property that benefits from the construction of the sanitary sewer portion of the Wildwood Street and Utilities Project No. WSS00-943; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A shall be required to pay its established share of the construction costs for the sanitary sewer included within the Wildwood Street and Utilities Project No. WSS00-943 at a cost of \$5,613.37 per property within the defined service area; and

BE IT FURTHER RESOLVED that the properties located at 5508 Wildwood Drive, 5520 Wildwood Drive, 5524 Wildwood Drive, 5528 Wildwood Drive, 5535 Wildwood Drive, 5568 Wildwood Drive, and 5744 Una Del Drive be issued a refund in the amount of \$86.63 payment of which is hereby authorized; and

BE IT FURTHER RESOLVED that such supplemental tap fee shall remain in effect until such time as the balance of project costs totaling \$168, 401.13 is collected, at which time this Resolution and the supplemental tap fee shall automatically expire.

Dated this 20<sup>th</sup> day of September, 2004.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

- 45. PW091404-08 Approve a Resolution imposing supplemental tap fees for connection to the water utility for Wildwood Street and Utilities Project No. WSS00-943

RESOLUTION

WHEREAS, Rapid City Municipal Code Section 13.04.00095 and SDCL 9-47-16 allowed the City Council to impose supplemental tap fees for connection to the water utility in certain areas; and

WHEREAS, a water main was installed in a portion of Wildwood Drive and Una Del Drive under the Wildwood Street and Utilities Project No. WSS00-943 as shown on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the total project cost to complete the water main extension as a portion of this project is \$30,316.55 in construction costs; and

WHEREAS, the total project costs of the water main construction of the Wildwood Street and Utilities Project No. WSS00-943 should be apportioned on an equal benefit to each property within the defined boundary with two properties identified as allowed to connect to either this project or the Sheridan Lake Road water main extension; and

WHEREAS, Exhibit A attached hereto and incorporated herein represents the properties benefiting from the water main portion of WSS00-943, the tap fee is established at \$ 4,331.00 per property with the City of Rapid City being a benefiting property in determining the supplemental tap fees; and

WHEREAS, one property has already paid the estimated tap fee of \$4,500.00, which included the Wildwood water main tap fee of \$4,331.00 and the Sheridan Lake Road Water Main fee of \$140.64 will be due a refund in the amount of \$ 28.36; and

WHEREAS, the City Council finds, after conducting a comprehensive investigation of the properties benefited by the construction of the water main extension portion of the Wildwood Street and Utilities Project No. WSS00-943 that such supplemental tap fees are appropriate and in the best interests of the City, community and the water utility.

NOW, THEREFORE, BE IT RESOLVED, that supplemental tap fees are hereby imposed on the property that benefit from the construction of the water main portion of the Wildwood Street and Utilities Project No. WSS00-943; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A shall be required to pay its established share of the construction costs for the water main included within the Wildwood Street and Utilities Project No. WSS00-943 at a cost of \$4,331.00 per property within the defined service area; and

BE IT FURTHER RESOLVED that the property located at 5508 Wildwood Drive be issued a refund of \$28.36 payment of which is hereby authorized; and

BE IT FURTHER RESOLVED that such supplemental tap fee shall remain in effect until such time as the balance of project costs totaling \$29,986.00 is collected, at which time this Resolution and the supplemental tap fee shall automatically expire.

Dated this 20<sup>th</sup> day of September, 2004.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

- 46. PW091404-09 Authorize staff to solicit Requests for Proposals for Elm Avenue/Meade Street Reconstruction Project No. DR03-1333
- 47. Approve the purchase of Enhanced Liquid Magnesium Chloride Deicing material under State Contract #14354 from Vendor #460427814, Z&S Dust Control at a delivered price of \$.484 per gallon for the Street Department
- 48. No. 04VE010 Approve with stipulations a Vacation of Major Drainage Easement for petitioner Steven Thingelstad for Western Management Corporation for 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

RESOLUTION OF VACATION OF

MAJOR DRAINAGE EASEMENT

WHEREAS it appears that the major drainage easement on the Common Area of 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, more generally described as being located along Park Drive, is not needed for public purposes; and

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

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

Dated this 20<sup>th</sup> day of September, 2004.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

- 49. No. 03VE022 Approve a Vacation of a portion of the Major Drainage Easement for petitioner Angle Survey for Harvey Homes, Inc. on Lot 1, Block 2, Plum Creek Subdivision located in the N1/2 of the SW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3211 Willowbend Drive

RESOLUTION OF VACATION OF  
MAJOR DRAINAGE EASEMENT

WHEREAS it appears that a portion of the major drainage easement on Lot 1, Block 2, Plum Creek Subdivision located in the N1/2 of the SW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3211 Willowbend Drive, is not needed for public purposes; and

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

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

Dated this 20<sup>th</sup> day of September, 2004.

ATTEST:  
s/ James F. Preston

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

Finance Officer  
(SEAL)

**Legal & Finance Committee Consent Items**

50. No. LF091504-14 Approve Historic Preservation Commission Grant Reallocation of Project Funding
51. No. LF091504-01 Approve appointment of Gus Johnson to the RSVP Advisory Council
52. No. LF091504-02 Approve appointment of Jan Nordby to the Mayor's Committee on Employment of People with Disabilities
53. No. LF091504-03 Approve appointment of Karen Gunderson Olson to Mayor's Committee on Employment of People with Disabilities
54. Approve appointment of Tom Johnson, Sam Kooiker, Malcom Chapman, Ray Hadley, and Karen Olsen to the 2012 Selection Team
55. Approve appointment of Joe Muth, Bill Freytag, Doyle Estes, Shawn Freeland, Doug Sperlich, and Hani Shafai to the Mall Ridge Area Sewer Lift Station Committee
56. No. LF090104-11 Approve Travel Request for Mason Short and David Lepine to attend 20<sup>th</sup> Annual Airport Conference, Chicago, IL, November 18-19, 2004, in the approximate amount of \$2,428
57. No. LF091504-04 Approve Travel Request for Kevin Hansen, Dan Olson, and Joe Tjaden to attend Highway Emergency Response Specialist Course, Pueblo, CO, October 25-29, 2004, in the approximate amount of \$5,337.54
58. No. LF091504-05 Approve Travel Request for Jim Frybarger and Rich Broderick to attend Highway Emergency Response Specialist Course, Pueblo, CO, November 8-12, 2004, in the approximate amount of \$3,558.36
59. Authorize staff to apply for Wildland Urban Interface Fuels Reduction Grant
60. No. LF091504-06 Approve request for additional use of Community Development Block Grant Funds by the Rapid City Community Development Corporation for Down Payment and Closing Cost Assistance for Low-To-Moderate Income Persons
61. No. LF091504-07 Authorize Mayor and Finance Officer to sign Annual Support Agreement with SunGard Bi-Tech in the Amount of \$25,844.66 (4.9% Increase)
63. No. LF090104-23 Approve Resolution to Establish Additional Staffing at the Rapid City Regional Airport to provide maintenance for the Transportation Security Administration Office Building

**RESOLUTION TO ESTABLISH ADDITIONAL STAFFING  
AT THE RAPID CITY REGIONAL AIRPORT**

WHEREAS, additional staffing will be necessary to provide the custodial and maintenance duties at the Rapid City Regional Airport for the newly constructed Transportation Security Administration Office Building; and

WHEREAS, the funding source for the additional position is included in the Lease Agreement between the City of Rapid City and the Transportation Security Administration; and

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City Council to authorize an increase of one full-time equivalent (FTE) for the remainder of the 2004 fiscal year.

Dated this 20<sup>th</sup> day of September, 2004.

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

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

64. No. LF091504-09 Authorize Mayor and Finance Officer to Sign Renewal Contracts with Johnson Controls for the Milo Barber Transportation Center and the Energy Plant
65. No. LF091504-10 Authorize Mayor and Finance Officer to Sign Agreement with Rapid City Racers Swim Club, Inc. to Organize, Supervise, and Conduct a Competitive Swim Team Program at the Rapid City Swim Center
66. Authorize Black Hills Tennis Association to install memorial plaque for Jeanie Hammerquist at the Sioux Park Tennis Courts; and implement a moratorium on all memorials in the park system or City recreational facilities, including golf courses and baseball fields until a policy has been approved and implemented.
67. No. LF091504-11 Authorize Mayor and Finance Officer to sign Real Estate Purchase Agreement with Jeffery and Terri Haverly, d/b/a Kids Kastle West, LLC
68. No. LF091504-12 Approve the following abatements: Bethesda Christian, 2002, \$569.94; Bethesda Christian, 2003, \$1,097.74
69. Approve the following licenses: Electrical Apprentice: John N. Anthony, Matt Reede, Mark Sater; Mechanical Installer: Raymond L. Barck, Jason Duwenhoegger, Charlie E. Hansen, Sandi Kile, Travis Powrie, Loren Ryman, Steven R. Storm; Mechanical Contractor: John Trujillo, Equipment Service Professionals; Residential Contractor: Mandalay Homes, LLC, Scott Mueller & Troy Armstrong

***Planning Department Consent Items***

70. 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, generally located south of Enchanted Pine Road and east of Enchantment Road. (APPROVE PRELIMINARY PLAT, WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of private utilities; 2. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Engineering Division; 3. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by the City Council, the drainage report shall be stamped by a Professional Engineer. In addition, the drainage report shall be revised to address the impact on detention cell 301 from the increased run-off due to the basin transfer. The grading for detention cell 303 shall also be coordinated with the Fifth Street construction project. In addition, the drainage report shall detail the channel intersection at the southeast corner of the property based on hydraulic jump. The drainage report shall also provide 100% storm water capture at the Fifth Street intersection or verification shall be

submitted for review and approval demonstrating that the bypass has been accounted for in the Fifth Street Design. Maintenance access shall be provided along all channels as per the Drainage Criteria Manual. In addition, turf re-enforcement mat shall be provided as needed in channels based on velocities; 5. Prior to Preliminary Plat approval by the City Council, plan showing the extent of grading in detention cell 303 shall be submitted for review and approval; 6. Prior to Preliminary Plat approval by the City Council, the applicant shall submit a written request asking the City to proceed with the dedication of right-of-way for the north 38 feet of Enchanted Pines Road right-of-way as it abuts the subject property either as a Preliminary and Final Plat or as an "H Lot". In addition, the Final Plat or "H Lot" shall be recorded at the Register of Deed's Office; 7. Prior to Preliminary Plat approval by the City Council, revisions to the water and sewer plans shall be submitted for review and approval. In particular, the construction plans shall be revised to show the water main elevation(s) and submitted for review and approval; 8. Prior to submittal of the Final Plat, the plat document shall be revised to provide additional drainage easements as needed. In addition, a miscellaneous document shall be recorded at the Register of Deed's Office dedicating a 25 foot wide drainage easement located on property directly east of the subject property as proposed; 9. Prior to submittal of the Final Plat, the plat title shall be revised to read "Tract 1 and Outlot A of Eastridge Subdivision, dedicated Enchantment Road, and Enchanted Pines Drive located in the NW1/4NE1/4, Section 24, the East 1/2NW1/4, Section 24 and the NE1/4SE1/4NW1/4, Section 24, T1N, R7E, B.H.M....."; 10. Prior to submittal of the Final Plat, the plat document shall be revised to show the east-west street as "Enchanted Pines Drive instead of "Enchanted Pines Road; 11. All Uniform Fire Code shall be continually met; and, 12. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

71. 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, generally located northeast of the intersection of Rand Road and Commerce Road. (APPROVE PRELIMINARY PLAT, WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval; 2. Prior to Preliminary Plat approval by the City Council, plans showing structures and driveway approach locations for the property and adjacent properties shall be submitted for review and approval; 3. Prior to Preliminary Plat approval by the City Council, a grading plan for Lot 1 and Lot 2 including existing and proposed grades and sediment and erosion control plans for all improved areas, shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by the City Council, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the existing and proposed water lines and appurtenances, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide additional hydrants shall be obtained; 5. Prior to Preliminary Plat approval by the City Council, road construction plans for Commerce Road shall be submitted for review and approval. In particular, road construction plans shall show Commerce Road located in a minimum 100 foot right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer

or a Variance to the Subdivision Requirements shall be obtained; 6. Prior to Preliminary Plat approval by the City Council, road construction plans for Rand Road shall be submitted for review and approval. In particular, road construction plans shall show Rand Road located in a minimum 60 foot right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Requirements shall be obtained; 7. Prior to Preliminary Plat approval by the Planning Commission, survey plans identifying existing subdivision improvements including, but not limited to water mains, lines and fire hydrants, sanitary sewer mains and service lines, utility locations, manhole elevations and pavement widths shall be submitted for review and approval; 8. Prior to submittal of a Final Plat, the plat document shall be revised eliminating the separate Drainage Lot, or all water and sewer connection fees associated with the Drainage Lot shall be paid; 9. Prior to submittal of a Final Plat, the applicant shall submit a revised plat document to show portions of the existing permanent drainage easement to be vacated; and, 10. 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. Staff recommends that stipulation no. 8 be struck.)

72. 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, generally located .5 miles west of Alta Vista Drive and the extension of Middle Valley Drive. (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 redlined drawings shall be returned to the Engineering Division; 2. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval. In addition, a request for water oversize costs shall be submitted for review and approval; 3. Prior to Preliminary Plat approval by the City Council, a private utility master plan shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the 20 foot Major Drainage and Access Easement as a 20 foot Major Drainage Easement or construction plans for the Access Easement shall be submitted for review and approval. In particular, the construction plans shall show the Access Easement constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 5. Prior to submittal of a Final Plat application, the plat document shall be revised to show "Middle Valley Road" as "Middle Valley Drive"; 6. Prior to submittal of a Final Plat application, the plat document shall be revised to clearly delineate all drainage easement(s); and, 7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)
73. No. 04PL109 - A request by Black Hills Surveying for a **Layout Plat** on Lots 4 and 5 of Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of Tract A of Tract 1, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, generally located at the intersection of Golden Eagle Drive and South Highway

16 Service Road. (APPROVE LAYOUT PLAT, WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of the Preliminary Plat application, a drawing showing existing topographical information, existing utilities and service line connections and streets for the entire property shall be submitted for review and approval; 2. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; 3. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed; 4. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 5. Upon submittal of the Preliminary Plat application, all Uniform Fire Codes shall be continually met; 6. Prior to submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates; 7. Upon submittal of a Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; 8. Prior to Preliminary Plat approval by the City Council, road construction plans for U.S. Highway 16 shall be submitted for review and approval. In particular, road construction plans shall show U.S. Highway 16 located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Requirements shall be obtained; 9. Prior to Preliminary Plat approval by the City Council, road construction plans for Promise Road shall be submitted for review and approval. In particular, road construction plans shall show Promise Road located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Requirements shall be obtained; and, 10. Prior to Preliminary Plat approval by the City Council, road construction plans for Golden Eagle Drive shall be submitted for review and approval. In particular, road construction plans shall show Golden Eagle Drive located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Requirements shall be obtained or the section line highway shall be vacated. The adjacent property owner shall sign the petition to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way.)

74. No. 04PL112 - A request by Centerline for Olsen Development Co., Inc. for a **Layout Plat** on Lot 5A and 5B of Lot 5, Overlook Subdivision, Section 2, T1N R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 5, Overlook Subdivision, Section 2, T1N R7E, BHM, Rapid City, Pennington County, South Dakota, generally located at the eastern terminus of Fulton Street. (APPROVE LAYOUT PLAT, WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, a drawing showing existing conditions, including topographical information, structural improvements, existing utilities and approaches for the entire property shall be submitted for review and approval; 2. Prior to Preliminary Plat approval by the City Council, documentation identifying the right to use the private access easement located on Tract A of Parcel No. 1 of Valentine Addition shall be provided or evidence of alternative access to proposed Lot 5A shall be identified; 3. Prior to Preliminary Plat approval by the

City Council, a geology or geotechnical engineering report shall be submitted for the subject property. In particular, the report shall review the parcel for slope stability and identify potentially unstable areas on which development should be restricted pending specific analysis or design solutions; 4. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; 5. 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; 6. 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; 7. 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. In addition, the plat document shall be revised to show utility easement(s) as needed; 8. Upon submittal of the Preliminary Plat application, a pavement design with supporting geotechnical information shall be submitted for review and approval; 9. Upon submittal of the Preliminary Plat application, road construction plans for West Fulton Street shall be submitted for review and approval. In particular, the plans shall show the construction of West Fulton Street with curb, gutter, sidewalk, street light conduit, sewer and water in accordance with City design standards, including a permanent turnaround at the end of the cul-de-sac street 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; 10. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of water, sewer and private utilities through the subject property as well as to adjacent properties; 11. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 12. Prior to submittal of a Final Plat application, the plat document shall be revised to read, "Lots 5A and 5B of Overlook Subdivision"; and "West Fulton Street"; 13. Prior to submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates; and, 14. Upon submittal of a Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

75. No. 04PL113 - A request by Wyss Associates for Jean T. Severson for a **Layout Plat** on Lot A and Lot B of Lot 2 of Severson Subdivision, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Severson Subdivision, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, generally located on the east side of Park Drive northeast of Southwest Middle School. (APPROVE LAYOUT PLAT, WITH THE FOLLOWING STIPULATIONS: 1. Prior to submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates; 2. Upon submittal of a Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; 3. Upon submittal of the Preliminary Plat, construction plans for the access easement shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 45 foot wide right-of-way and a 20 foot wide paved surface with curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall

be obtained or a 40 foot wide by 40 foot wide shared approach shall be shown on the plat document in lieu of the access easement and shall be constructed as a reinforced driveway approach; 4. Prior to submittal of a Final Plat application, the plat document shall show non-access easements being provided along the street frontage except for the approved approach location; 5. Upon submittal of the Preliminary Plat application, a drawing showing existing topographical information, existing utilities and service line connections to proposed units and surface features for the entire property shall be submitted for review and approval; 6. Upon submittal of the Preliminary Plat application, all Uniform Fire Codes shall be continually met; 7. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; 8. Upon submittal of the Preliminary Plat application, sidewalk plans along Park Drive as it abuts the subject property shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 9. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed; and, 10. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained.)

### **Raffles**

76. No. CC092004-03 Acknowledge Rapid City Fire Department Combat Challenge Team raffle of two Quilts, October 16 and 17, 2004, Rushmore Mall

### END OF CONSENT CALENDAR

Next on the agenda for consideration is Approve offering City water to Longview Sanitary and Water District on the contingency the Public Works and Fire Departments approve the feasibility to maintain adequate flows and to charge them 150 percent of the City's current water rate.

Motion was made by Olson and seconded to continue the request from the Longview Sanitary and Water District for services to the October 12, 2004 Public Works Committee meeting; and direct that that Outside Service Task Force report back to the Public Works Committee on October 12, 2004 as to the recommendations on a policy for providing sewer and water service to property outside the City Limits. Discussion followed regarding water quality and cost to supply water to Rapid Valley. Upon a vote being taken on the motion, motion carried.

The Mayor presented (No. LF091504-08) Resolution Recognizing the City of Rapid City Employee Compensation Policy in Accordance with the Fair Pay Plan. Motion was made by Kroeger, seconded by Murphy approve the following resolution:

RESOLUTION RECOGNIZING THE  
CITY OF RAPID CITY EMPLOYEE COMPENSATION POLICY  
IN ACCORDANCE WITH THE FAIR PAY PLAN

WHEREAS, the City of Rapid City is in compliance with the existing Fair Labor Standard Act, and

WHEREAS, the City recognizes the Wage and Hour Division's Final Ruling on April 23, 2004, of the Fair Pay Initiative and will make a good faith effort to comply and abide by the new regulations that are effective date of August 23, 2004; and the City of Rapid City will not willfully violate the Fair Pay Initiative; and

WHEREAS, the City of Rapid City recognizes the work performed by Exempt and Non-exempt employees; and

WHEREAS, the City of Rapid City instructs Non-exempt employees to record all of their time and will compensate the employees accordingly and in compliance with all contracts and the Fair Pay Initiative; and

WHEREAS, the City of Rapid City will compensate the Exempt employees in accordance with the Fair Pay Initiative; and

WHEREAS, it is the intent of the City of Rapid City to make the proper deductions from the employee compensation where appropriate; and recognizes that if any improper deductions are withheld, the City of Rapid City will reimburse the employee; and if the employee wishes to file a complaint for an improper deduction the employee may file the complaint with the Finance Officer, who will make a determination on the complaint within 14 days of receipt; and

THEREFORE, the City Human Resource Department will distribute this resolution to all new employees and to existing employees by posting the resolution on all City bulletin boards and on the City Intranet site.

Dated this 20<sup>th</sup> day of September, 2004.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

City Finance Officer Preston reviewed the Resolution explaining that it recognizes the Fair Labor Standards ruling of April 23 and the implementation on August 23 of the newly revised federal Wage and Hour Division's Fair Labor Standard Act. The Resolution provides explicit notice that any claim for any improper deduction will be administratively reviewed. Ritchie Nordstrom, AFSCME Local #1031 Chief Steward indicated that most of the unions oppose this federal legislation. Upon a vote being taken on the motion to approve, motion carried.

### **PUBLIC HEARINGS**

Mayor Shaw opened the public hearing on No. 04PD038, an Appeal of the Planning Commission's decision on the application by the Cornerstone Rescue Mission for a Planned Residential Development - Initial and Final Development Plan to allow a group home in a High Density Residential Zoning District on 1/2 of Lot 27 and all of Lots 28-29, Block 116, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota,

located at 404 Columbus Street. Motion was made by Johnson, seconded by Kooiker to approve with stipulations as recommended by the Planning Commission. Discussion followed.

Dan Island, Director of Cornerstone Rescue Mission explained their efforts in locating a facility to house women and children who are at the Mission; and asked the Council to act favorably on their request to use this facility for this purpose. Dave Crabb, 409 Quincy Street reported his company had filed a Letter of Appeal because they believed there was a better shelter for the Mission; and the proposed facility has some limited use because of the size; and because there were some unknowns about the Program Plan that did not adequately provide details on security or a protection order concept. He indicated there is a desire on their part to work with the Mission to address security. He suggested they would withdraw their appeal as the Mission was willing to address the security issue and amend its Program Plan. Susan Getchell, 405 Columbus spoke of the invasion of her property and litter and expressed her concern with security. Gary Larson, 816 5<sup>th</sup> Street spoke of experiences with problem inhabitants and vagrancies and suggested a bigger building would be more appropriate for their use. Kris Norlin, WAVI Executive Director spoke in favor of the use of the facility at 404 Columbus by the Mission. Dick McConnell, 201 Franklin and Mission Board member urged support for the use of this facility by the Mission and indicated their willingness to work with the neighborhood to address concerns. Growth Management Director Elkins reported the Mission is in agreement with the stipulations as recommended by the Planning Commission. Discussion ensued regarding the definitions of group home, women and children shelter, and mission.

Amendment was made by Kooiker, seconded by Partridge to remove the word "Mission" from No. 6 stipulation. Upon a roll call vote on the amendment, the following voted AYE: Kroeger, Partridge and Kooiker; NO: Hadley, Chapman, Murphy, French, Olson, Johnson and Waugh. Amendment failed 3 to 7.

Jim Castleberry 30 Main Street and Mission Board of Director addressed the Council about the opportunity to house women and children in a better facility because at the present time they are sleeping on the floors at the Mission. Because there are eight bedrooms, this facility will house 20-25 individuals and there is a play area for the children, Susan Campo, 414 Columbus spoke in favor of the intended use of the facility at 404 Columbus by the Mission and extended a welcome to the neighborhood.

Upon a vote being taken on the motion, motion carried with Murphy voting NO.

### **PLANNING DEPARTMENT ITEMS**

The Mayor presented No. 04CA034, a request by Wyss Associates for WEB Land Holdings for an **Amendment to the Comprehensive Plan** by changing the future land use designation on an approximate 1.08 acre parcel of land from Low Density Residential with a Planned Residential Development to Park Forest with a Planned Residential Development on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 553.75 feet at a bearing S00°31'58" West to a point; Thence travel 165.47 feet at a bearing S89°28'02" East to the Point of Beginning; Travel 74.15 feet at a bearing N41°05'15" West to a point; Travel 245.15 feet at a bearing N00°21'00" East to a point; Travel 106.97 feet at a bearing N34°54'43" East to a point; Travel 115.00 feet at a bearing N05°14'58" West to a point; Travel 51.63 feet at a bearing N09°59'31" East to a point; Travel 56.07 feet at a bearing S89°37'11" East to a point;

Travel 464.33 feet at a bearing S00°32'53" West to a point; Travel 110.01 feet at a bearing S35°36'28" West to the point of beginning. The area described contains approximately 1.08 acres more or less, generally located west of the western terminus of Fairmont Boulevard along Tower Road. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 20th day of September, 2004 to consider an amendment to the Comprehensive Plan changing the future land use designation on an approximate 1.08 acre parcel of land from Low Density Residential with a Planned Residential Development to Park Forest with a Planned Residential Development, on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 553.75 feet at a bearing S00°31'58" West to a point; Thence travel 165.47 feet at a bearing S89°28'02" East to the Point of Beginning; Travel 74.15 feet at a bearing N41°05'15" West to a point; Travel 245.15 feet at a bearing N00°21'00" East to a point; Travel 106.97 feet at a bearing N34°54'43" East to a point; Travel 115.00 feet at a bearing N05°14'58" West to a point; Travel 51.63 feet at a bearing N09°59'31" East to a point; Travel 56.07 feet at a bearing S89°37'11" East to a point; Travel 464.33 feet at a bearing S00°32'53" West to a point; Travel 110.01 feet at a bearing S35°36'28" West to the point of beginning. The area described contains approximately 1.08 acres more or less; and good cause appearing therefor

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

Dated this 20<sup>th</sup> day of September, 2004.

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

ATTEST:  
s/ Finance Officer  
(SEAL)

The motion for adoption of the foregoing Resolution 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 Mayor presented No. 04CA035, a request by Wyss Associates for WEB Land Holdings for an **Amendment to the Comprehensive Plan** to change the future land use designation on an approximate 1.32 acre parcel of land from Low Density Residential with a Planned Residential Development to Low Density Residential - II with a Planned Residential Development on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 497.65 feet at a bearing S00°31'58" West to a point; Thence travel 609.62 feet at a bearing S89°28'02" East to the Point of Beginning; Travel 0.96 feet at a bearing N26°30'38" West to a point; Travel 155.31 feet at a bearing N81°27'48" East to a point; Travel 237.32 feet at a bearing N43°12'21"

East to a point; Travel 116.04 feet at a bearing N34°39'32" East to a point; Travel 244.00 feet at a bearing S00°21'00" West to a point; Travel 202.91 feet at a bearing S34°33'20" West to a point; Travel 38.73 feet at a bearing S90°00'00" West to a point; Travel 237.48 feet at a bearing N61°30'24" West to a point; Travel 19.26 feet at a bearing N73°30'07" West to the point of beginning. The area described contains approximately 1.32 acres more or less, generally located west of the western terminus of Fairmont Boulevard along Tower Road. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 20th day of September, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on an approximate 1.32 acre parcel of land from Low Density Residential with a Planned Residential Development to Low Density Residential - II with a Planned Residential Development, on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 497.65 feet at a bearing S00°31'58" West to a point; Thence travel 609.62 feet at a bearing S89°28'02" East to the Point of Beginning; Travel 0.96 feet at a bearing N26°30'38" West to a point; Travel 155.31 feet at a bearing N81°27'48" East to a point; Travel 237.32 feet at a bearing N43°12'21" East to a point; Travel 116.04 feet at a bearing N34°39'32" East to a point; Travel 244.00 feet at a bearing S00°21'00" West to a point; Travel 202.91 feet at a bearing S34°33'20" West to a point; Travel 38.73 feet at a bearing S90°00'00" West to a point; Travel 237.48 feet at a bearing N61°30'24" West to a point; Travel 19.26 feet at a bearing N73°30'07" West to the point of beginning. The area described contains approximately 1.32 acres more or less; and good cause appearing therefor

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

Dated this 20<sup>th</sup> day of September, 2004.

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

ATTEST:  
s/ Finance Officer  
(SEAL)

The motion for adoption of the foregoing Resolution 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 Mayor presented No. 04CA036, a request by Wyss Associates for WEB Land Holdings for an **Amendment to the Comprehensive Plan** by changing the future land use designation on an approximate 1.35 acre parcel from Low Density Residential - II with a Planned Residential Development to Park Forest with a Planned Residential Development on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM,

Rapid City, Pennington County, South Dakota. Thence travel 367.51 feet at a bearing S00°31'58" West to the Point of Beginning; Travel 249.13 feet at a bearing S41°05'15" East to a point; Travel 110.01 feet at a bearing N35°36'28" East to a point; Travel 204.40 feet at a bearing S12°13'30" West to a point; Travel 76.49 feet at a bearing S33°41'47" East to a point; Travel 40.83 feet at a bearing S56°18'13" West to a point on a curve; Travel 133.10 feet along a 124.00' radius convex southwesterly with a chord bearing S87°03'11" West to a point; Travel 36.45 feet at a bearing N62°11'51" West to a point on a curve; Travel 33.00 feet along a 126.00' radius concave northwesterly with a chord bearing N71°13'38" West to a point; Travel 363.20 feet at a bearing N00°31'58" East to the point of beginning. The area described contains approximately 1.35 acres more or less, generally located west of the western terminus of Fairmont Boulevard along Tower Road. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 20th day of September, 2004 to consider an amendment to the Comprehensive Plan changing the future land use designation on an approximate 1.35 acre parcel from Low Density Residential - II with a Planned Residential Development to Park Forest with a Planned Residential Development, on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 367.51 feet at a bearing S00°31'58" West to the Point of Beginning; Travel 249.13 feet at a bearing S41°05'15" East to a point; Travel 110.01 feet at a bearing N35°36'28" East to a point; Travel 204.40 feet at a bearing S12°13'30" West to a point; Travel 76.49 feet at a bearing S33°41'47" East to a point; Travel 40.83 feet at a bearing S56°18'13" West to a point on a curve; Travel 133.10 feet along a 124.00' radius convex southwesterly with a chord bearing S87°03'11" West to a point; Travel 36.45 feet at a bearing N62°11'51" West to a point on a curve; Travel 33.00 feet along a 126.00' radius concave northwesterly with a chord bearing N71°13'38" West to a point; Travel 363.20 feet at a bearing N00°31'58" East to the point of beginning. The area described contains approximately 1.35 acres more or less; and good cause appearing therefor

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

Dated this 20<sup>th</sup> day of September, 2004.

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

ATTEST:  
s/ Finance Officer  
(SEAL)

The motion for adoption of the foregoing Resolution 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 Mayor presented No. 04CA037. a request by Wyss Associates for WEB Land Holdings for an **Amendment to the Comprehensive Plan** by changing the future land use designation on an approximate 29,977 square foot parcel from Office Commercial with a Planned Commercial Development to Low Density Residential - II with a Planned Residential Development on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 613.93 feet at a bearing S00°31'58" West to a point; Thence travel 876.61 feet at a bearing S89°28'02" East to the Point of Beginning; Travel 202.91 feet at a bearing N34°33'20" East to a point; Travel 244.00 feet at a bearing N00°21'00" East to a point; Travel 14.61 feet at a bearing N34°39'32" East to a point; Travel 90.92 feet at a bearing S89°39'00" East to a point; Travel 145.77 feet at a bearing S00°21'00" West to a point; Travel 231.88 feet at a bearing S34°33'20" West to a point; Travel 99.70 feet at a bearing S30°35'10" East to a point; Travel 134.13 feet at a bearing S90°00'00" West to the point of beginning. The area described contains approximately 29,977 square feet more or less, generally located west of the western terminus of Fairmont Boulevard along Tower Road. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 20th day of September, 2004 to consider an amendment to the Comprehensive Plan changing the future land use designation on an approximate 29,977 square foot parcel from Office Commercial with a Planned Commercial Development to Low Density Residential - II with a Planned Residential Development, on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 613.93 feet at a bearing S00°31'58" West to a point; Thence travel 876.61 feet at a bearing S89°28'02" East to the Point of Beginning; Travel 202.91 feet at a bearing N34°33'20" East to a point; Travel 244.00 feet at a bearing N00°21'00" East to a point; Travel 14.61 feet at a bearing N34°39'32" East to a point; Travel 90.92 feet at a bearing S89°39'00" East to a point; Travel 145.77 feet at a bearing S00°21'00" West to a point; Travel 231.88 feet at a bearing S34°33'20" West to a point; Travel 99.70 feet at a bearing S30°35'10" East to a point; Travel 134.13 feet at a bearing S90°00'00" West to the point of beginning. The area described contains approximately 29,977 square feet more or less; and good cause appearing therefor

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

Dated this 20<sup>th</sup> day of September, 2004.

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

ATTEST:  
s/ Finance Officer  
(SEAL)

The motion for adoption of the foregoing Resolution 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 Mayor presented No. 04CA041, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan** to change the designation of a Collector Street to a Sub-Collector Street on the Major Street Plan 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, generally located at the northeast corner of Elm Avenue and Enchanted Pines Drive. Hadley moved, seconded by Johnson and carried to deny the Amendment to the Comprehensive Plan.

The Mayor presented No. 04SV045, a request by Sperlich Consulting for Robert Scull for a **Variance to the Subdivision Regulations** to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code 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 SW1/4 SW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, generally located at the northeast corner of the intersection of Rand Road and Commerce Road. Hadley moved, seconded by French and carried to approve the Variance with the following stipulations: Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

The Mayor presented No. 04SV050, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations** to reduce the right-of-way width from 100 feet to 80 feet and reduce the pavement width from 40 feet to 36 feet as per Chapter 16.16 of the Rapid City Municipal Code 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, generally located at the northeast corner of Elm Avenue and Enchanted Pines Drive. Hadley moved, seconded by French and carried to approve the Variance with the following stipulations: That a ten foot wide public utility and pedestrian access easement shall be provided along the north lot line of the subject property.

## **ORDINANCES & RESOLUTIONS**

The Mayor presented No. 04TI005, a request by Dream Design International, Inc. for a **Resolution Creating Tax Increment District #46** on the N1/2 NW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, S1/2 NW1/4 NW1/4 and SW1/4 NW1/4, all located in Section 28, T1N, R7E, BHM, Rapid City Pennington County, South Dakota; and, Block 16, Lots 1-4 (Golf Course); Block 17, Lots 1-10; Block 15, Lots 1-8 (Golf Course); Block 18, Lots 1-17; Block 10, Lots 1-6 and Outlot G-1; Block 11, Lots 1-37; Block 7, Lots 7-9; Block 12, Lots 1-13; Block 9, Lots 1-6 (Golf Course); Block 8, Lots 4, 5A and 6; Block 2, Lots 1-21; Block 13, Lots 1A, 1B, 2-5; Block 14, Lots 1A, 1B, 2A, 2B, 3-6; Block 1, Lots 1-11; Block 4, Lot 1, 4 & 5; Block 3, Lots 1-3; Block 5, Lot 1; Outlot G less Lots 20 & 21 Block 2 & less

Lots 4 & 5 Block 4; Outlot 1; Lot P (Utility Lot); All located in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Block 6, Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8, 9A, 9B, 10A, 10B, 11A, 11B, 12, Red Rock Estates Phase 1A, Section 29, T1N, R7E, Rapid City, Pennington County, South Dakota; and, Block 3, Lots 4-16; Block 8, Lot 1-3; Block 7, Lots 1-6; Block 4, Lots 2-3; All located in Red Rock Estates Phase II, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Well Lot; Balance of Tract 1 less Red Rock Estates & less ROW; Balance of Picardi Ranch Road; All located in Red Ridge Ranch Subdivision, Section 29, T1N, R7E, Rapid City, Pennington County, South Dakota; and, Outlot A of Tract A, Countryside Subdivision; Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, E1/2NW1/4NE1/4 less Red Ridge Ranch & less ROW; SW1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates less Red Rock Estates Phase 1A & less ROW; E1/2 NW1/4 less Red Rock Estates & less ROW; W1/2 W1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates & less ROW; E1/2 NE1/4; All rights-of-way located within Red Rock Estates, Red Rock Estates Phase 1A, Red Rock Estates Phase II, and Red Ridge Ranch Subdivision; All located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, generally located north of the intersection of Sheridan Lake Road and Muirfield Drive. The following Resolution was introduced, read and Johnson moved its adoption:

A RESOLUTION CREATING TAX INCREMENT DISTRICT  
#46 - RED ROCK MEADOWS  
CITY OF RAPID CITY

WHEREAS the property within the following described District meets the qualifications and criteria set forth in SDCL 11-9; and,

WHEREAS the Council of the City of Rapid City finds that the aggregated assessed value of taxable property in this District, plus the assessed values of all other districts currently in effect, does not exceed ten percent (10%) of the total assessed value of taxable property in the City of Rapid City; and,

WHEREAS the Council finds that:

- (1) Not less than twenty-five percent (25%), by area, of the real property within the district is a blighted area as defined in SDCL 11-9-9 through 11-9-11; and,
- (2) The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in the district; and,

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the real property legally described as:

N1/2 NW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, S1/2 NW1/4 NW1/4 and SW1/4 NW1/4, all located in Section 28, T1N, R7E, BHM, Rapid City Pennington County, South Dakota; and, Block 16, Lots 1-4 (Golf Course); Block 17, Lots 1-10; Block 15, Lots 1-8 (Golf Course); Block 18, Lots 1-17; Block 10, Lots 1-6 and Outlot G-1; Block 11, Lots 1-37; Block 7, Lots 7-9; Block 12, Lots 1-13; Block 9, Lots 1-6 (Golf Course); Block 8, Lots 4, 5A and 6; Block 2, Lots 1-21; Block 13, Lots 1A, 1B, 2-5; Block 14, Lots 1A, 1B, 2A, 2B, 3-6; Block 1, Lots 1-11; Block 4, Lot 1, 4 & 5; Block 3, Lots 1-3; Block 5, Lot 1; Outlot G

less Lots 20 & 21 Block 2 & less Lots 4 & 5 Block 4; Outlot 1; Lot P (Utility Lot); All located in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Block 6, Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8, 9A, 9B, 10A, 10B, 11A, 11B, 12, Red Rock Estates Phase 1A, Section 29, T1N, R7E, Rapid City, Pennington County, South Dakota; and, Block 3, Lots 4-16; Block 8, Lot 1-3; Block 7, Lots 1-6; Block 4, Lots 2-3; All located in Red Rock Estates Phase II, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Well Lot; Balance of Tract 1 less Red Rock Estates & less ROW; Balance of Picardi Ranch Road; All located in Red Ridge Ranch Subdivision, Section 29, T1N, R7E, Rapid City, Pennington County, South Dakota; and, Outlot A of Tract A, Countryside Subdivision; Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, E1/2NW1/4NE1/4 less Red Ridge Ranch & less ROW; SW1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates less Red Rock Estates Phase 1A & less ROW; E1/2 NW1/4 less Red Rock Estates & less ROW; W1/2 W1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates & less ROW; E1/2 NE1/4; All rights-of-way located within Red Rock Estates, Red Rock Estates Phase 1A, Red Rock Estates Phase II, and Red Ridge Ranch Subdivision; All located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

is hereby designated as Tax Increment District Number 46, City of Rapid City.

Dated this 20<sup>th</sup> day of September, 2004.

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

ATTEST:  
s/ Finance Officer  
(SEAL)

The motion for adoption of the foregoing Resolution was seconded by Waugh. Alderman Kooiker stated that it is his opinion that the land is not considered to be blighted, and therefore the request should not be approved. Roll call vote was taken: AYE: Chapman, Murphy, Kroeger, Partridge, Olson, Johnson and Waugh; NO: French and Kooiker. Motion carried, 7-2.

The Mayor presented No. 04TI006, a request by Dream Design International, Inc. for a **Tax Increment District #46** Project Plan on the N1/2 NW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, S1/2 NW1/4 NW1/4 and SW1/4 NW1/4, all located in Section 28, T1N, R7E, BHM, Rapid City Pennington County, South Dakota; and, Block 16, Lots 1-4 (Golf Course); Block 17, Lots 1-10; Block 15, Lots 1-8 (Golf Course); Block 18, Lots 1-17; Block 10, Lots 1-6 and Outlot G-1; Block 11, Lots 1-37; Block 7, Lots 7-9; Block 12, Lots 1-13; Block 9, Lots 1-6 (Golf Course); Block 8, Lots 4, 5A and 6; Block 2, Lots 1-21; Block 13, Lots 1A, 1B, 2-5; Block 14, Lots 1A, 1B, 2A, 2B, 3-6; Block 1, Lots 1-11; Block 4, Lot 1, 4 & 5; Block 3, Lots 1-3; Block 5, Lot 1; Outlot G less Lots 20 & 21 Block 2 & less Lots 4 & 5 Block 4; Outlot 1; Lot P (Utility Lot); All located in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Block 6, Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8, 9A, 9B, 10A, 10B, 11A, 11B, 12, Red Rock Estates Phase 1A, Section 29, T1N, R7E, Rapid City, Pennington County, South Dakota; and, Block 3, Lots 4-16; Block 8, Lot 1-3; Block 7, Lots 1-6; Block 4, Lots 2-3; All located in Red Rock Estates Phase II, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Well Lot; Balance of Tract 1 less Red Rock Estates & less ROW; Balance of Picardi Ranch Road; All

located in Red Ridge Ranch Subdivision, Section 29, T1N, R7E, Rapid City, Pennington County, South Dakota; and, Outlot A of Tract A, Countryside Subdivision; Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, E1/2NW1/4NE1/4 less Red Ridge Ranch & less ROW; SW1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates less Red Rock Estates Phase 1A & less ROW; E1/2 NW1/4 less Red Rock Estates & less ROW; W1/2 W1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates & less ROW; E1/2 NE1/4; All rights-of-way located within Red Rock Estates, Red Rock Estates Phase 1A, Red Rock Estates Phase II, and Red Ridge Ranch Subdivision; All located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, generally located north of the intersection of Sheridan Lake Road and Muirfield Drive. The following Resolution was introduced, read and Johnson moved its adoption:

RESOLUTION APPROVING THE PROJECT PLAN  
FOR TAX INCREMENT DISTRICT  
#46 - RED ROCK MEADOWS AS SUBMITTED BY THE  
RAPID CITY PLANNING COMMISSION

WHEREAS the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and,

WHEREAS the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and,

WHEREAS there has been established Tax Increment District #46 – Red Rock Meadows; and,

WHEREAS the Council deems desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and,

WHEREAS the Project Plan submitted helps make this development feasible by assisting with the development of a lift station, a park and the purchase and expansion of a water well; and,

WHEREAS the use of Tax Increment Funding to promote this development is in keeping within the statutes adopted by the South Dakota State Legislature; and,

WHEREAS there has been developed a Project Plan for this Tax Increment District which proposes this improvement; and,

WHEREAS the Council has considered the Project Plan submitted by the Planning Commission and determined that the Project Plan for Tax Increment District #46 – Red Rock Meadows is economically feasible; and,

WHEREAS the Council has further determined that this Project Plan is in conformity with the adopted Comprehensive Plan,

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Tax Increment District Project Plan for Tax Increment District #46 – Red Rock Meadows be, and is hereby, approved as attached hereto.

Dated this 20<sup>th</sup> day of September, 2004.

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

ATTEST:  
s/ Finance Officer  
(SEAL)

The motion for adoption of the foregoing Resolution was seconded by Waugh. Roll call vote was taken: AYE: Chapman, Murphy, Kroeger, Partridge, Olson, Johnson and Waugh; NO: French and Kooiker. Motion carried, 7-2.

The Mayor announced the meeting was open for hearing on No. 04RZ040, second reading of **Ordinance 4086**, a request by Wyss Associates for WEB Land Holdings for a **Rezoning from Low Density Residential District to Low Density Residential - II District** on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 497.65 feet at a bearing S00°31'58" West to a point; Thence travel 609.62 feet at a bearing S89°28'02" East to the Point of Beginning; Travel 0.96 feet at a bearing N26°30'38" West to a point; Travel 155.31 feet at a bearing N81°27'48" East to a point; Travel 237.32 feet at a bearing N43°12'21" East to a point; Travel 116.04 feet at a bearing N34°39'32" East to a point; Travel 244.00 feet at a bearing S00°21'00" West to a point; Travel 202.91 feet at a bearing S34°33'20" West to a point; Travel 38.73 feet at a bearing S90°00'00" West to a point; Travel 237.48 feet at a bearing N61°30'24" West to a point; Travel 19.26 feet at a bearing N73°30'07" West to the point of beginning. The area described contains approximately 1.32 acres more or less, located west of the western terminus of Fairmont Boulevard along Tower Road. Notice of hearing was published in the Rapid City Journal on September 11 and 18, 2004. Ordinance 4086, having had the first reading on September 7, 2004, it was moved by Johnson, seconded by French that the title be read the second time. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Partridge, Olson, Kooiker, Johnson, and Waugh; NO: None, whereupon the Mayor declared the motion duly passed and read the title of Ordinance 4086 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ041, second reading of **Ordinance 4087**, a request by Wyss Associates for WEB Land Holdings for a **Rezoning from Low Density Residential - II District to Park Forest District** on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 367.51 feet at a bearing S00°31'58" West to the Point of Beginning; Travel 249.13 feet at a bearing S41°05'15" East to a point; Travel 110.01 feet at a bearing N35°36'28" East to a point; Travel 204.40 feet at a bearing S12°13'30" West to a point; Travel 76.49 feet at a bearing S33°41'47" East to a point; Travel 40.83 feet at a bearing S56°18'13" West to a point on a curve; Travel 133.10 feet along a 124.00' radius convex southwesterly with a chord bearing S87°03'11" West to a point; Travel 36.45 feet at a bearing N62°11'51" West to a point on a curve; Travel 33.00 feet along a 126.00' radius concave northwesterly with a chord bearing N71°13'38" West to a point; Travel 363.20 feet at a bearing N00°31'58" East to the point of beginning. The area described contains approximately 1.35 acres more or less, located west of the western terminus of Fairmont Boulevard along Tower Road. Notice of hearing was published in the Rapid City Journal on September 11 and 18, 2004. Ordinance 4087, having had the first reading on September 7, 2004, it was moved by Johnson, seconded by French that the title be read the second time. The

following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Partridge, Olson, Kooiker, Johnson, and Waugh; NO: None, whereupon the Mayor declared the motion duly passed and read the title of Ordinance 4087 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ042, second reading of **Ordinance 4088**, a request by Wyss Associates for WEB Land Holdings for a **Rezoning from Low Density Residential District to Park Forest District** on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 553.75 feet at a bearing S00°31'58" West to a point; Thence travel 165.47 feet at a bearing S89°28'02" East to the Point of Beginning; Travel 74.15 feet at a bearing N41°05'15" West to a point; Travel 245.15 feet at a bearing N00°21'00" East to a point; Travel 106.97 feet at a bearing N34°54'43" East to a point; Travel 115.00 feet at a bearing N05°14'58" West to a point; Travel 51.63 feet at a bearing N09°59'31" East to a point; Travel 56.07 feet at a bearing S89°37'11" East to a point; Travel 464.33 feet at a bearing S00°32'53" West to a point; Travel 110.01 feet at a bearing S35°36'28" West to the point of beginning. The area described contains approximately 1.08 acres more or less, located west of the western terminus of Fairmont Boulevard along Tower Road. Notice of hearing was published in the Rapid City Journal on September 11 and 18, 2004. Ordinance 4088, having had the first reading on September 7, 2004, it was moved by Johnson, seconded by French that the title be read the second time. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Partridge, Olson, Kooiker, Johnson, and Waugh; NO: None, whereupon the Mayor declared the motion duly passed and read the title of Ordinance 4088 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ043, second reading of **Ordinance 4089**, a request by Wyss Associates for WEB Land Holdings for a **Rezoning from Office Commercial District to Low Density Residential - II District** on property described by metes and bounds commencing at the NW corner of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Thence travel 613.93 feet at a bearing S00°31'58" West to a point; Thence travel 876.61 feet at a bearing S89°28'02" East to the Point of Beginning; Travel 202.91 feet at a bearing N34°33'20" East to a point; Travel 244.00 feet at a bearing N00°21'00" East to a point; Travel 14.61 feet at a bearing N34°39'32" East to a point; Travel 90.92 feet at a bearing S89°39'00" East to a point; Travel 145.77 feet at a bearing S00°21'00" West to a point; Travel 231.88 feet at a bearing S34°33'20" West to a point; Travel 99.70 feet at a bearing S30°35'10" East to a point; Travel 134.13 feet at a bearing S90°00'00" West to the point of beginning. The area described contains approximately 29,977 square feet more or less, located west of the western terminus of Fairmont Boulevard along Tower Road. Notice of hearing was published in the Rapid City Journal on September 11 and 18, 2004. Ordinance 4089, having had the first reading on September 7, 2004, it was moved by Johnson, seconded by French that the title be read the second time. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Partridge, Olson, Kooiker, Johnson, and Waugh; NO: None, whereupon the Mayor declared the motion duly passed and read the title of Ordinance 4089 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ045, second reading, **Ordinance 4091**, a request by Design Works for Century Resources, Inc. for a **Rezoning from Heavy Industrial District to Office Commercial District** on the north 327.2 feet of the N1/2 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1400 West Philadelphia Street. Notice of hearing was published in the Rapid City Journal on September 11 and 18, 2004. Ordinance 4091, having had the first reading on September 7,

2004, it was moved by Johnson, seconded by French that the title be read the second time. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Partridge, Olson, Kooiker, Johnson, and Waugh; NO: None, whereupon the Mayor declared the motion duly passed and read the title of Ordinance 4091 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ046, second reading of **Ordinance 4092**, a request by Wyss Associates, Inc. for Jean T. Severson for a **Rezoning from Low Density Residential District to Low Density Residential - II District** on Lot A and Lot B of Lot 2 of Severson Subdivision, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 2 of Severson Subdivision, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on the east side of Park Drive northeast of Southwest Middle School. Notice of hearing was published in the Rapid City Journal on September 11 and 18, 2004. Ordinance 4092, having had the first reading on September 7, 2004, it was moved by Johnson, seconded by French that the title be read the second time. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Partridge, Olson, Kooiker, Johnson, and Waugh; NO: None, whereupon the Mayor declared the motion duly passed and read the title of Ordinance 4092 the second time.

The Mayor presented No. 04PL107, a request by FMG, Inc. for Wyss Associates, Inc. for a **Preliminary Plat** on Lots 42A, 42B, 43A, 43B, 44A, 44B, 45A, 45B, 46A, 46B, 47A, 47B, 48A, 48B, 49A, 49B, 50A, 50B, 51A, 51B, 52A, 52B, 53A, 53B, 54A, 54B, and platted private drive and utility easement shown as Mulligan Mile all located in Village on the Green No. 2 Subdivision, located in the NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota, legally described as a portion of previously platted Golf Course Parcel and Gate House Parcel of Hart Ranch Development located in NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota, generally extending from the current eastern terminus of Mulligan Mile. Hadley moved, seconded by Chapman and carried to continued this item to October 4, 2004.

Kooiker moved, seconded by Olson to amend the agenda to consider Agenda Items 96, 97 and 98 before second reading of Ordinance 4084. Upon a roll call vote, the following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Olson, Kooiker and Johnson; NO: Partridge and Waugh. Although motion carried 8 to 2, it is noted that this motion must be unanimous.

Kooiker moved, seconded by Hadley to suspend the rules. After some discussion and with the consent of the Council, Kooiker withdrew the motion.

No. LF090104-21 **Ordinance 4084** regarding 2005 Appropriation Ordinance having passed the first reading on September 7, 2004, it was moved by Kroeger, seconded by French that the title be read the second time.

City Finance Officer Preston distributed a list of subsidies; a budget overview listing revenue and expenses, which did not include one-time expenses; and a tax supported analysis. He explained the City anticipates using \$3,787,303 of cash reserve and the total budget is \$99,478,880. In response to questions raised by Alderman Johnson, it was explained the hours of operation for the Horace Mann swimming pool was not reduced; the Council Contingency was not reduced; the cost of the Monday night catered meals for Council was \$5,000 to \$6,000; and the Streaming Video was a one-time cost of \$6,000 plus a \$4,500 annual operation cost. Alderman Murphy suggested the City did not adequately fund the Detox Center and Dispatch, which are vital to the protection of the community. Police Chief Craig Tieszen addressed the

Council advocating for public safety for the benefit of the Police Department and the entire community. He indicated there were three areas of the budget that affect public safety which need more funding than currently included in the budget. He explained ten beds were added the Detox Center to address an increasing problem in the community. The 2005 budget request was \$358,358, which is \$33,703 more than is currently included in the budget. If not fully funded, the Detox Center will eliminate four to six beds, and release a counselor and detox worker. Another City/County funded budget is the Dispatch Center. The 2005 budget request was \$71,241, which is \$34,000 more than is currently included in the budget. He explained the budget request also included two additional FTE's. He reported there has been a twenty percent increase in the calls for service in the past five year, but there has not been a twenty percent increase in personnel in the Dispatch Center. He suggested \$68,000 was needed to fund the Detox Center and Dispatch. His last request was for three additional police officers. Alderman Partridge offered a list of proposed cuts in the budget and suggested the Horace Mann swimming pool's season be shortened by thirty days; Council contingency be reduced; overtime costs be reduced six percent; and the entire budget be reduced by five-eighths of one percent

Amendment was made by Partridge to adopt his proposed budget cuts as outlined, and fully fund the Detox Center as requested. The Chair ruled the amendment died for lack of a second. Discussion continued regarding possible subsidy cuts.

Amendment was made by Johnson, seconded by Kooiker to amend the budget by adding the Streaming Video and eliminate from the budget the cost of the Monday night catered meals for Council. Upon a roll call vote on the amendment, the following voted AYE: Hadley, French, Kooiker, Johnson and Waugh; NO: Chapman, Murphy, Kroeger, Partridge and Olson. Upon a tie vote, the Mayor cast a NO vote. Amendment failed 5 to 6. Discussion followed regarding the reserve balance set by Council. Alderman Johnson expressed his comfort in using the reserve because of the projected sales tax revenues. Alderman Johnson also expressed his support for a sign and score board for the new indoor swimming pool, suggesting revenue could be generated from their installation. He addressed the lack of a sound system at this facility indicating it was a safety issue. He suggested \$16,000 worth of matting was needed at the ice arena to allow users more mobility in the facility.

Amendment was made by Johnson, seconded by Hadley to include in the budget \$35,000 for sign and score board for the indoor swimming pool. Discussion followed. Upon a roll call vote on the amendment the following voted AYE: Hadley, Chapman, Johnson and Waugh; NO: Murphy, French, Kroeger, Partridge, Olson and Kooiker. Amendment failed 4 to 6.

Alderman Chapman pointed out that the \$10,000 allocated for Forging Our Future had not been eliminated from the General Fund Subsidy. Alderman Hadley indicated he did not support the reduction in Council Contingency; and pointed out that the recently name Deer Task Force was not funded.

Amendment was made by Partridge, seconded by Murphy to reduce the General Fund Subsidies \$33,000 to fully fund the Detox Center request. Discussion followed about identifying the subsidy cuts in order to develop the final budget. Upon a roll call vote on the amendment, the following voted AYE: Partridge and Olson; NO: Hadley, Chapman, Murphy, French, Kroeger, Kooiker, Johnson and Waugh. Amendment failed 2 to 8.

Amendment was made by Kooiker, seconded by Johnson to eliminate funding of the Monday night catered meals for the Council. Amendment carried on a unanimous vote.

Amendment was made by Waugh, seconded by Hadley to include funding for the Streaming Video, plus the \$4,500 annual operational cost. Discussion followed on funding needs for detox and dispatch. Upon a roll call vote on the amendment, the following voted AYE: Hadley, Kooiker, Johnson and Waugh; NO: Chapman, Murphy, French, Kroeger, Partridge and Olson. Amendment failed 4 to 6.

Amendment was made by French, seconded by Kroeger to appropriate \$68,000 from undesignated reserves to fully fund detox and dispatch. Discussion continued on funding needs for detox and dispatch.

Substitute amendment was made by Partridge, seconded by French to open Horace Mann swimming pool thirty days late to save \$30,000; and appropriate these funds to the detox center. Substitute amendment failed with Partridge voting AYE.

Upon a roll call vote on the amendment to appropriate \$68,000 from undesignated reserves, the following voted AYE: Chapman, Murphy, French, Kroeger, Olson and Waugh; NO: Hadley, Partridge, Kooiker and Johnson. Amendment carried 6 to 4.

Upon a roll call vote on second reading of Ordinance 4084 as amended, the following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Olson, Johnson and Waugh; NO: Partridge and Kooiker. Motion carried 8 to 2.

### **PUBLIC WORKS COMMITTEE ITEMS**

Hadley moved, seconded by French to (No. PW071304-01) Approve the request to reduce a water hook up fee for Larry Lewis, 1525 Rand Drive from \$6,067.05 to \$3,381.19 based on a cost of \$15.56 per lineal foot. Alderman Johnson spoke in opposition to reducing the hook up fee because the remaining balance becomes the responsibility of all rate payers. Larry Kostaneski addressed the Council explaining this watermain was extended to serve another property; was not an assessed project; and several properties in the immediate vicinity received reductions in their hook up fee. Upon a roll call vote, the following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Partridge, Olson and Waugh; NO: Kooiker and Johnson. Motion carried 8 to 2.

French moved, seconded by Kooiker and carried (PW091404-01) to Approve Change Order No.1F for Minneluzahan Senior Center Parking Lot Overlay Project No. PL04-1343 to J&J Asphalt Company for a decrease of \$2,047.35.

Kroeger moved, seconded by Waugh to Authorize Mayor and Finance Officer to sign a renewal to the security contract with Peacekeeper Security Inc. for an amount of \$300.00 per month for the Water Reclamation Department. Acting Public Works Director Vore explained the contract was for a period of two years and 4.2 percent increase will be added the second year of the contract for a cost-of-living increase. Discussion followed relative to the Police Department providing security at the facility. Substitute motion was made by Kooiker, seconded by Johnson to continue this item to the October 4, 2004 Council proceedings. Upon a roll call vote, the

following voted AYE: Hadley, Chapman, Olson, Kooiker, Johnson and Waugh; NO: Murphy, French, Kroeger and Partridge. Motion carried 6 to 4.

### **APPROVAL OF BILLS**

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

Payroll Paid Ending 09-04-04, Paid 09-10-04	625,732.92
Payroll Paid Ending 09-04-04, Paid 09-10-04	1,604.80
Pioneer Bank, Taxes Paid 09-10-04	153,085.30
Pioneer Bank, Taxes Paid 09-10-04	121.62
First Administrators, claims paid 09-08-04	60,704.12
First Administrators, claims paid 09-14-04	26,539.72
Pennington County Auditor, PSB Construction	160,688.94
SD Municipal League, Conference Registration	1,345.00
Black Hills Power & Light, electricity	36,652.81
Montana Dakota Utilities, natural gas	47.00
Montana Dakota Utilities, natural gas	18.54
Computer Bill List	<u>2,516,866.95</u>
Sub-Total	\$3,585,407.72
Payroll Paid Ending 09-04-04, Paid 09-10-04	1,703.00
Pioneer Bank, Taxes paid 09-10-04	130.28
Borders Books, book purchase	17.59
City of Rapid City, postage	11.36
City of Rapid City, health insurance	824.00
Dakota Business Center, copier maintenance	20.71
SD Retirement System, pension	298.40
SD School of Mines & Technology, telephone	54.40
Standard Life, life insurance	<u>3.50</u>
Total	\$3,588,470.96

### **CITY ATTORNEY'S ITEMS**

Motion was made by Waugh, seconded by Murphy to go into executive session to discuss pending litigation, contractual and personnel matters.

Amendment was made Kooiker, seconded by Johnson to discuss pending litigation, contractual and personnel matters, with the exception of the upcoming Council vacancy. Upon a roll call vote, the following voted AYE: Hadley, Kooiker and Johnson; NO: Chapman, Murphy, Kroeger, Olson and Waugh. Amendment failed 3 to 5.

Upon a vote being taken on the motion, motion carried with Kooiker voting NO.

The Council reconvened at 11:30 P.M. with all members present. Alderman Kooiker asked that record reflect that he, Johnson and Hadley did not participate in the discussion of the Council vacancy.

Hadley moved, seconded by French and carried to authorize the Finance Officer to issue a treasurer's check drawn on the proper funds in an amount not to exceed \$320,000 for the closing of the Stein land purchase.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:32 P.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

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

(SEAL)