

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

August 15, 2005

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, August 15, 2005 at 7:00 P.M.

The following members were present: Council President Tom Johnson and the following Alderpersons: Mike Schumacher, Ray Hadley, Karen Olson, Bill Okrepkie, Ron Kroeger, Deb Hadcock, Malcom Chapman and Sam Kooiker. The following Alderpersons arrived during the course of the meeting: Bob Hurlbut; and the following were absent: None.

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

APPROVE MINUTES

Chapman moved, second by Okrepkie and carried to approve the minutes of August 1, 2005 and Budget Review Session of August 8, 2005.

ADOPTION OF THE AGENDA

The following items were added to the agenda:

- 14.A. Authorize extended Rapid Transit Service (connector route to Star Village) until October 11, 2005; and approve supplemental funding.
- 99.A. Kensington Subdivision and Hanover Street drainage issues

Hadley moved, second by Kroeger and carried to adopt the agenda as amended.

GENERAL PUBLIC COMMENT

Mike Bauer and Jay Davis expressed their appreciation to the City Council on the efforts to keep the Horace Mann Swimming Pool operational for the season; and commended City staff on the operations and maintenance of the facility. They indicated their desire to have the Horace Mann swimming pool opened for the 2006 season and to extend the hours of operation of the swimming pool to coincide with the hours of operations of all other City-owned and operated swimming pools. Davis asked that the City consider additional directional signage for the pool in hopes of attracting the tourists.

PUBLIC HEARINGS

The Council President announced that the meeting was open for consideration of (No. PW071205-07), a Resolution of Necessity for Sixth Street and Hillcrest Drive Water Main Extension Project No. W05-1521. Public Works Director Jablonski indicated this resolution will

be revised adding another property owner, and must be noticed and advertised correctly establishing a new public hearing. Hurlbut moved, second by Hadcock and carried to table.

The Council President announced that the meeting was open for consideration of (No. PW071205-09), a Resolution Levying Assessment for Block 13 Alley Paving (West Boulevard Addition) Project No. ST04-1420; whereupon Olson moved to open the public hearing. Second by Hurlbut and carried. Notice of hearing was mailed to the affected property owners on August 4, 2005, and published in the Rapid City Journal on August 6, 2005. No oral objections to the assessment roll were voiced. Olson moved, second by Hurlbut and carried to close the public hearing. The following Resolution was introduced, read and Olson moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR
BLOCK 13 ALLEY PAVING (WEST BOULEVARD ADDITION)
PROJECT NO. ST04-1420

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the alley paving is the amount stated in the proposed assessment roll.
2. The assessment roll for ST04-1420 Block 13 Alley Paving (West Boulevard Addition) is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in ten annual installments bearing interest at the rate not to exceed nine percent (9%).

Dated this 15th day of August, 2005.

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

THE CITY OF RAPID CITY
s/ Tom Johnson, Council President

The motion for adoption of the foregoing Resolution was seconded by Hurlbut. The following voted AYE: Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman and Kooiker; NO: None; whereupon said Resolution was declared duly passed and adopted.

The Council President presented No. 05CA019, a request by Marty Jacob for MBJ Company, Inc. for a **Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a 1.58 acre parcel of land from Medium Density Residential to Light Industrial** on Lots 1 thru 8 inclusive and Lots 21 thru 28 inclusive in Block 7 and Lots 1 thru 7 inclusive in Block 12; all

located in Northside Addition, NW1/4 Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 826 East Monroe Street. Hurlbut moved, second by Hadcock and carried to continue this item to the September 19, 2005 Council meeting.

The Council President presented No. 05CA027, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to revise the Major Street Plan** on all of Section 21 and the SW1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the east and west sides of Old Folsom Road and South of existing Jolly Lane. Olson moved, second by Hurlbut and carried to deny without prejudice.

Olson moved, second by Kroeger and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, water and sewer along Wildwood Drive as it abuts Lot 13R and Lot 14R, Block 3, Wildwood Subdivision, located in the W1/2 SE1/4, E1/2 SW1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. (05SV046)

The Council President presented No. 05SV046, a request by Peter Hendricksen for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water on Wildwood Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 13AR and Lot 14AR, Block 3, Wildwood Subdivision, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 13R and Lot 14R, Block 3, Wildwood Subdivision, located in the W1/2 SE1/4, E1/2 SW1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 5775 and 5827 Wildwood Drive. Olson moved, second by Kroeger and carried to approve the Variance with the following stipulation: Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

Olson moved, second by Hadley and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, sewer and pavement along Reservoir Road as they abut Lot A, Tract 1, Paul Subdivision; Lot W located in the NE1/4 NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota. (05SV047)

The Council President presented No. 05SV050, a request by CETEC Engineering Services, Inc. for Bruce Kulpaca for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 8, 9, 10, 11 and 12 of Block 1, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the east side of Merlot Drive and north of East Oakland Street. Olson moved, second by Hurlbut and carried to approve the Variance.

The Council President presented No. 05SV051, a request by Sperlich Consulting, Inc. for Gordon Howie for a **Variance to the Subdivision Regulations to waive the requirement to install street light conduit and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 9 through 24, Block 18; Lots 7 through 11, Block 19; Lots 8 through 14, Block 20; and Lots 16 and 17, Block 24; Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T, Trailwood Village Subdivision, located in the N1/2 SE1/4, Section 10, T1N, R8E,

BHM, Pennington County, South Dakota, located adjacent to the northeast and southwest sides of Savannah Street. Olson moved, second by Hurlbut to approve the Variance. Substitute motion was made by Chapman, second by Hurlbut and carried that the Variance to the Subdivision Regulations to allow a lot twice as long as wide be tabled; and, that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be denied.

The Council President presented No. 05VR008, a request by Sperlich Consulting for Doeck LLC for a **Vacation of Section Line Highway** on SE1/4, NE1/4, NE1/4 SE1/4, N1/2 SE1/4 SE1/4, all in Section 14, T2N, R7E, BHM, Pennington County, South Dakota and the SW1/4 NW1/4, NW1/4 SW1/4, N1/2 SW1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the western terminus of Cobalt Drive. Hadcock moved, second by Olson and carried to deny without prejudice.

LEGAL & FINANCE COMMITTEE ITEMS

Chapman moved, second by Hurlbut to (No. LF081005-04) uphold the current Policy Provisions for upstream of the Chapel Lane Road Bridge. Growth Management Director Elkins noted a previous request by the Council to refer this issue to the Floodplain Development Task Force. Tracy Parris commented the City's current zoning has violated the law for thirty-one years, and the City has made no steps to correct its self. He suggested the resolution itself not only violates zoning code, but also violates the constitution by discriminating against those living upstream of Canyon Lake. Parris stated there is no reason to delay his requests for rezoning or an amendment to the comprehensive plan. City Attorney Green, responding to a question from Alderman Kooiker, explained the City's ordinance has not violated the law, and the City has the right to zone properties in accordance with the requirements of State law. Assistant City Attorney Landeen explained that all residents upstream of Canyon Lake are treated the same. Landeen indicated the zoning applies up to the 500 Year Floodplain. He explained that there is a difference between how they are treated from those downstream from Canyon Lake; but that there is a basis for the difference in the treatment. It is based on the topography in the area and the potential for damage downstream. Landeen indicated this was reviewed by the committee when the initial policy was first recommended, and again at the request of Tracy Parris. Regarding the assertion, by Tracy Parris, that the City is violating the law or that somehow the flood hazard zoning district is restricted to only to the 100-Year Floodplain area, Landeen and Green indicated that staff disagrees with that assertion. Landeen explained that the title of the flood hazard district gives the following general description, "this district is established for those uses having a low flood damage potential and not obstructing flood flows." Flood flows occur within the 100-Year Floodplain. There is nothing in the title on flood hazard zoning district that restricts that district to solely the 100-Year Floodplain. Elkins, responding to a question from Alderman Hurlbut, indicated the discussion of the last meeting was to send this to the task force to see if they would recommend any changes to the policy; which they did not. The committee reviewed it and felt the policy, which was more restrictive upstream of the Chapel Lane village, should stay in place because of the risk factors; and also accommodates a 500-Year Flood. Upon a vote on the motion to uphold the current policy, motion carried with the following voting AYE: Schumacher, Hadley, Olson, Johnson, Kroeger, Hadcock, Chapman and Kooiker; NO: Okrepkie and Hurlbut.

City Finance Officer Preston outlined the costs associated with (No. LF081005-11) archiving the audio recordings of nine meetings per month for the Public Works Committee, Legal & Finance Committee, the Planning Commission, and Council's Information Meeting. To store the audio

recordings on the Internet is estimated at \$495 per month, which includes encoding, storage and playback. Plus \$90 for each month the audio recordings are stored on the server. The first year's cost is estimated at \$11,880. Preston also outlined the costs associated with video streaming. To store video recordings of the nine meetings per month on the Internet would cost an estimated \$1,455 per month, which includes encoding, storage and playback. Plus \$865 for each month the video recordings are stored on the server. The first year's cost is estimated at \$57,090. Preston mentioned the City could co-locate a server at PrairieWave at a cost of \$21,060, plus a one time cost of \$8,000. Preston explained that currently the City archives DVDs in the Mayor's Office at a cost of \$30 per month; and pointed out this media is also available at the Library. Don Frankenfeld, Frankenfeld Associates proposed to waive the costs of archiving beyond ninety (90) days for the committee meetings; and beyond one year for Council meetings. He pointed out that the video streaming is more expensive than audio, but has real advantages to the citizen. He indicated the audio streaming provides the bulk of the information that a citizen would be interested in. Computer Center Director Aldrich suggested the audio streaming of the nine meetings per month could be encoded in-house to save an estimated \$4,000 - \$5,000 annually. Frankenfeld, responding to a question from Alderman Kooiker about storing 500 - 600 hours of past meetings, indicated he would need more time to calculate the costs associated with the additional material and suggested he may not be able to do this for free. Kooiker moved, second by Hurlbut to proceed with audio streaming and putting past and future meetings on the Internet right away. Frankenfeld, responding to a question from Alderman Chapman about the future of Frankenfeld Associates, suggested his proposal of waiving the costs to archive meetings is not a common place practice and may reduce the value of his business. He suggested he is making the offer in good faith, but would not be willing to sign a perpetual contract. Substitute motion was made by Chapman, second by Kooiker to request Frankenfeld to put together the actual numbers of what that would be, put it in some sort of proposal form and bring that back to the Legal & Finance Committee meeting, and refer this back to Legal & Finance for further discussion. Alderman Chapman, responding to a question from Preston about a timeframe, clarified the timeframe as the year 2000, as that is the time when the City's website was established. Frankenfeld, responding to a comment from Alderman Okrepkie on whether to do the audio streaming when the information is available at the Library or Mayor's Office, suggested that if an analysis is to be done, it should be done in a comprehensive way; and the fundamental question is a not a question of spending or saving money, but the question is how much information do you want taxpayers and voters to have and how easily should they be able to get that information. Upon a vote being taken on the substitute motion to refer this item to the Legal & Finance Committee, motion carried.

PUBLIC WORKS COMMITTEE ITEMS

Public Works Director Jablonski spoke to the Blaine Avenue, 700 Block Alley Paving Project and funding source for the total amount of \$18,300, and indicated there are funds available in the Out-Of-The-Dust Program that could be used for this project. Jablonski explained that generally the Out-Of-The-Dust Program is used on assessed projects. Given that the 700 block of Blaine Avenue has only the alley as the only access property owners have to their property, Jablonski recommended the assessment process be waived and that the alley paving project be funded entirely by the City through the Out-Of-The-Dust Program. Kroeger moved, second by Okrepkie to approve the use of Out-Of-The-Dust funds in the total amount of \$18,300 for the Blaine Avenue, 700 Block Alley Paving project. Motion carried.

Finance Officer Preston told the Council that the Public Works Committee intended to include in the unfunded request for 2006, projected costs to continue the Rapid Transit Service connector route to Star Village in 2006. He explained that the Public Works Committee also intended to continue the RTS connector route to Star Village until October 11, 2005. He pointed out the extended RTS connector route to Star Village will mean additional costs and require some supplemental funding. He reminded the Council that they had initially authorized the RTS connector route to Star Village through the first of August, 2005. Rapid Transit Service Manager Sagen informed the Council that the extended RTS connector route to Star Village, from August 1, 2005 to October 11, 2005 will cost approximately \$18,000, and the City's share would be an estimated \$7,500. Preston recommended the City's share be allocated from Council Contingency. Olson moved, second by Hadcock to authorize the extended Rapid Transit Service connector route to Star Village until October 11, 2005; and approve supplemental funding from Council Contingency. Tom Brewer, representing Barker & Little as Manager of Star Village indicated the residents of Star Village asked for this service and have utilized the service. He also indicated that Barker & Little have extended their financial support in supporting marketing to the residents of Star Village. Sagen, responding to a question from Alderman Kooiker about the hours of operation, explained the hours could run concurrently with other City routes; starting at 6:30 A.M. and ending at 5:50 P.M. He pointed out the added two hours of service would add a marginal cost should the hours be extended until October 11, 2005. Substitute motion was made by Kooiker to authorize the Rapid Transit Service connector route to Star Village continue until October 11, 2005, and apply the normal hours operation to this route, and the City's portion of the funding not exceed \$10,000 to come from Council Contingency until there is different direction from the Council, or until the funds are expended; and the total authority not exceed \$22,000. Second by Hadcock. Motion carried.

ORDINANCES & RESOLUTIONS

Ordinance No. 5084 (No. LF081005-10), an Ordinance Increasing the Penalty for Violating the Provisions of Title 10 of the Rapid City Municipal Code by Amending Section 10.08.120 of the Rapid City Municipal Code was introduced. Upon a motion made by Chapman, seconded by Hadcock and carried, Ordinance 5084 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Tuesday, September 6, 2005 at 7:00 P.M.

Ordinance No. 5085 (No. 05RZ048), a request by Qusi Al Haj for Tara Alyss LLC for a **Rezoning from Low Density Residential District to General Commercial District** on the West 5 feet of Block 28, Airport Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of Haines Avenue and Curtis Street as introduced. Upon a motion made by Chapman, seconded by Hadcock and carried, Ordinance 5085 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Tuesday, September 6, 2005 at 7:00 P.M.

Ordinance No. 5086 (No. 05RZ049), a request by City of Rapid City for a **Rezoning from Park Forest District to Office Commercial District** on the Property described by metes and bounds beginning 1819.80 feet at a bearing S89°27'23"E from the SW corner of the NW1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, this is the point of beginning. Thence travel 466.23 feet at a bearing N45°19'1"E, Thence travel 210.28 feet at a bearing N54°45'23"E, Thence travel 48.86 feet at a bearing S15°57'26"W, Thence

travel 406.85 feet at a bearing S0°46'13"W, Thence travel 484.35 feet at a bearing N89°27'22"W to the point of beginning., located at the northeast corner of the intersection of S.D. South Highway 16 and Tower Road was introduced. Upon a motion made by Chapman, seconded by Olson and carried, Ordinance 5086 was denied without prejudice.

The Council President announced the meeting was open for hearing on No. 05OA005, second reading of **Ordinance No. 5076**, Establishing the Canyon Lake Overlay Zoning District by Adding Chapter 17.60 to Title 17 of the Rapid City Municipal Code. Notice of hearing was published in the Rapid City Journal on August 6, 2005 and August 13, 2005. Ordinance 5076 having had the first reading on July 18, 2005, it was moved by Chapman, second by Olson that the title be read the second time. Alderman Olson urged the support of the overlay as this is an important feature in uniting the community and it has some long term benefits to maintaining the LDR. Steve Brenden expressed appreciation to the City Council for their support of the overlay and expressed concern on permitting that has taken place, as far as development in the Schamber Addition. He indicated the development goes against the proposed overlay. Cleveland Battista offered support of the overlay. In response to a question from Battista on issuing building permits prior to final reading of the ordinance, Growth Management Elkins explained that an applicant is not required to meet the overlay standards. Elkins explained a building permit is evaluated based on the regulations at the time the application is submitted. She explained this ordinance amendment, pending before the Council, will not be effective for twenty days after publication, if approve by the Council. City Attorney Green, responding to a question from Battista, explained the public is entitled to rely on the ordinances as adopted by the City Council until those ordinances are properly changed. Anyone who has submitted an application for a building permit, or plats, or a change of use on a property, under the existing law is entitled to have those reviewed under the law that exists on the day that they make a submission. He pointed out that is the requirements of the due process clause of the United State Constitution. The only exception that allows the Council to enact a change immediately is by the use of an emergency clause in an ordinance, but those can only be used in certain very limited circumstances where certain public institutions are substantially threatened; and this would not be applicable to an ordinary zoning ordinance of this nature. Sue Pordol posed a question about a Stop Work Order. City Attorney Green indicated that once the building permit was issued, as long as the building construction is done in accordance with the permit, and according to the site plan that has been submitted, the City does not have the right to go back and pull the building permit. The only exception would be if the work was not completed within the timeframe; and as long as there is on-going work the timeframe does not expire for several years. Responding to a question from Bud Johnson about the City implementing a moratorium on building until the overlay is approved; City Attorney Green reported the United State Supreme Court addressed this particular issue; and found a moratorium of that nature constitutes a taking of private property for public purpose and requires just-compensation be paid to the owners of that property for that temporary taking. City Attorney Green, responding to a question from Rick Robertson on whether the building permit can be stopped for health reasons, such as West Nile Virus; indicated there is no basis to take any action to keep the project from proceeding.

Asking to hear all interested parties on this issue; Chapman moved to suspend the rules. Second was by Schumacher. Motion carried with Johnson voting No.

Steve Brenden indicated that by their own admission, the Sundby's asked for a delay in the implementation of the ordinance. He reported the Sundby's indicated the City Planning

Department was facilitating and encouraging them in their permit application. Brenden indicated this permit is currently being protested. He pointed out the fire lane being proposed that allows this development is an alley easement that the City says they have, which is actually a private drive. He suggested there is a cloud on the title due to the abandonment of the alley easement in 1984. It was to revert back the grantor of the easement; instead the City sold this at auction and was bought by Pat Vidal, who asked for the alley abandonment. Brenden also pointed out there are site triangle issues on Harmony Lane, and there are health and safety issues associated with this development. Kathy Grubner, who lives north of the property being developed, reported that five years ago during a rain event they had a stream running through their yard; and suggested this development will add to their drainage problems.

Alderman Hadley indicated he was under the impression that a building permit could not be issue. City Attorney Green explained that if an applicant comes forward with site plan that conforms in all respects to the zoning ordinance, and the use of the property, there is nothing the City can do to prevent them from having a building permit. Growth Management Elkins indicated that the item that was before the Council was the vacation of a drainage easement; and that was denied by the Council. She reported that there was some discussion and a suggestion that this should be a PRD. The applicant moved the building out of the drainage easement so the City is obligated to issue the building permit because they have complied with all the standards. Because the applicant complied with all the requirements, Alderman Hadcock indicated the Council needs to be fair to both sides. She suggested the Council agrees there is a need for the overlay. Alderman Kooiker indicated this ordinance was not intended to, one hundred percent, prohibit multi-dwelling units; but was intended to give the community more voice. Brenden indicated there is a problem with the address on the permit and suggested the developer is using an Evergreen address to circumvent the front and side setbacks. He explained the use of the property is off Harmony Lane. Upon Alderman Kooiker questioning the setback, Growth Management Director Elkins indicated a willingness to look at the setback issues and provide a report at the Public Works Committee meeting. She indicated to the Council, that where the building is located does not have anything to do with the setback requirements. A building can be addressed off a rear property line if that is most appropriate for dispatching safety equipment.

Upon a vote being taken on the motion, the following voted AYE: Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman and Kooiker; NO: None; whereupon the Council President declared the motion passed and read the title of Ordinance 5076 the second time.

Kooiker moved, second by Chapman and carried to reinstate the rules.

The Council President announced the meeting was open for hearing on No. 05RZ029, second reading of **Ordinance No. 5058**, a request by Marty Jacob for MBJ Company, Inc. for a **Rezoning from Medium Density Residential District to Light Industrial District** on Lots 1 thru 8 inclusive and Lots 21 thru 28 inclusive in Block 7 and Lots 1 thru 7 inclusive in Block 12; all located in Northside Addition, NW1/4 Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 826 East Monroe Street. Chapman moved, second by Hadcock and carried to continue to the September 19, 2005 Council meeting.

CONTINUED ITEMS CONSENT CALENDAR – Items 20-55

The following items were removed from the Continued Consent Calendar:

31. No. 05RZ038 - A request by City of Rapid City for Tracy Parris for a **Rezoning from Flood Hazard District to Park Forest District** on a parcel of land located in Lot 5 of Tittle Springs Subdivision more particularly described as follows: located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, TIN, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel bears N09°00'28"W a distance of 814.22 feet from the southeast corner of Lot 2 of Tittle Springs Subdivision commencing at the point of beginning: Thence First Course: along the line common with lots 4 and 5 of Tittle Springs Subdivision a bearing of N01°27'29"E and a distance of 35.58 feet; Thence Second Course: along the 100-Year Flood Plain Boundary delineated from F.I.R.M. Panel 465420-0011 F a bearing of N54°55'21"W, a distance of 14.13 feet; Thence Third course: along said 100-Year Flood Boundary Line a bearing of N87°37'55"W and distance of 4.24 feet; Thence Fourth Course: along said 100-year flood line a bearing of N70°03'43"W and distance of 5.26 feet; Thence Fifth Course: along said 100-Year Flood Line a bearing of N88°32'31"W and distance of 8.24 feet to the point of departure from said 100 year line; Thence continuing along a line with a bearing of N88°32'31"W and a distance of 20.76 feet to an intersection with the line common with lots 5 and 6 of Tittle Springs Subdivision; Thence Sixth Course: along the line common to the lots 5 and 6 of Tittle Springs Subdivision a bearing of S01°27'29"W and a distance of 45.05 feet; Thence Seventh Course: along a line with a bearing of S88°26'10"E, and a distance of 50.00 feet to the point of beginning. Said parcel of land contains 2,177.00 sq.ft/0.0500 acres, more or less. All located in Lot 5 of Tittle Springs Subdivision in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, TIN, R7E, BHM, Pennington County, South Dakota, located at 6201 Magic Canyon Road.
- 43.A. No. 05CA023 - A request by City of Rapid City for Tracy Parris for an **Amendment to the Comprehensive Plan to change the land use designation on a .05 acre parcel from Flood to Park Forest** on a parcel of land located in Lot 5 of Tittle Springs Subdivision more particularly described as follows: located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, TIN, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel bears N09°00'28"W a distance of 814.22 feet from the southeast corner of Lot 2 of Tittle Springs Subdivision commencing at the point of beginning: Thence First Course: along the line common with lots 4 and 5 of Tittle Springs Subdivision a bearing of N01°27'29"E and a distance of 35.58 feet; Thence Second Course: along the 100-Year Flood Plain Boundary delineated from F.I.R.M. Panel 465420-0011 F a bearing of N54°55'21"W, a distance of 14.13 feet; Thence Third course: along said 100-Year Flood Boundary Line a bearing of N87°37'55"W and distance of 4.24 feet; Thence Fourth Course: along said 100-year flood line a bearing of N70°03'43"W and distance of 5.26 feet; Thence Fifth Course: along said 100-Year Flood Line a bearing of N88°32'31"W and distance of 8.24 feet to the point of departure from said 100 year line; Thence continuing along a line with a bearing of N88°32'31"W and a distance of 20.76 feet to an intersection with the line common with lots 5 and 6 of Tittle Springs Subdivision; Thence Sixth Course: along the line common to the lots 5 and 6 of Tittle Springs Subdivision a bearing of S01°27'29"W and a distance of 45.05 feet; Thence Seventh Course: along a line with a bearing of S88°26'10"E, and a distance of 50.00 feet to the point of beginning. Said parcel of land contains 2,177.00 sq.ft/0.0500 acres, more or less. All located in Lot 5 of Tittle Springs Subdivision in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, TIN, R7E, BHM, Pennington County, South Dakota, located at 6201 Magic Canyon Road.

Chapman moved, second by Hadcock and carried to continue the following items as indicated.

Continue the following items until September 6, 2005:

20. No. 05CA018 - A request by City of Rapid City for an **Amendment to the Comprehensive Plan amending the Major Street Plan by eliminating and realigning several collector and arterial roads** all located in Sections 23, 24, 25, 26, 34, 35 and 36 in T1N, R7E, BHM, Pennington County, South Dakota, and Sections 19, 29, 30, 31 and 32, T1N, R8E, BHM, Pennington County, South Dakota, and Sections 1, 2, 3, 11 and 12, T1S, R7E, BHM, Pennington County, South Dakota, and Sections 5, 6, 7, 8, 17 and 18, T1S, R8E, BHM, Pennington County, South Dakota, located south of Minnesota Street, north of Spring Creek Road, east of US Highway 16 and west of SD Highway 79.
21. No. 05CA032 - A request by Johnny Sundby for Hay Camp Co. for an **Amendment to the Comprehensive Plan to change the future land use designation on an approximately .62 acre parcel from Residential to Office Commercial with a Planned Commercial Development** on Lot 1 of Lot H, Revised, Harter Subdivision, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2532 Canyon Lake Drive.
22. No. 05FV003 - A request by Jon Dicks for a **Fence Height Exception to allow a six foot four inch high fence within the required 25 foot front yard setback** on Lot A of Lot 14 and the south 20 feet of Lot C of Lot 14, Acre Tract, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 430 South Canyon Road.
23. No. 05PL048 - A request by Dream Design International for a **Layout Plat** on Lots 1-25, Black Hills Estates located in the NE1/4 and SW1/4 NW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 and SW1/4 NW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Catron Boulevard and Fifth Street.
24. No. 05PL072 - A request by Renner and Associates for Pete Lien and Sons for a **Preliminary Plat** on Lien Tract and Lot AR, Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., legally described as Lot A, B, and C of Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., located at the old Dog Track on North Highway 79.
25. No. 05PL117 - A request by Boschee Engineering for a **Preliminary Plat** on Lots 1A through 8A, Lots 1B through 8B, Block 5; Lots 1A through 4A, Lots 1B through 4B, Block 7, Stoney Creek Subdivision, dedicated streets located in the SW1/4 NW1/4 and the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1A and 1B, Block 5, Stoney Creek Subdivision, dedicated streets located in the SW1/4 NW1/4 and the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the west side of Bendt Drive between Catron Boulevard and Winterset Drive.
26. No. 05PL118 - A request by Sperlich Consulting for Gordon Howie for a **Preliminary Plat** on Lots 8A, 8B, 8C, 9A, 9B, 10A, 10B, Block 22, Trailwood Village, SE1/4 SE1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of tract T, Trailwood Village, located in the SE1/4 SE1/4, Section 10, T1N, R8E,

BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Long View Road and Reservoir Road.

27. No. 05PL122 - A request by D.C. Scott Co. Land Surveyors for West River Electric for a **Preliminary Plat** on Lot AR, Tract 1, Paul Subdivision; Lot WR located in the NE1/4 NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot A, Tract 1, Paul Subdivision; Lot W located in the NE1/4 NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota, located at 3575 Reservoir Road and 3383 Reservoir Road.
28. No. 05PL124 - A request by Sperlich Consulting for Triple Z Real Estate Development LLP for a **Preliminary Plat** on Lots 4 through 12, Block 11, Lots 1 through 4, Block 13, located in the NE1/4, SE1/4, Elks Country Estates, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1, E1/2, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the eastern terminus of LaCosta Drive.
29. No. 05PL133 - A request by Sperlich Consulting, Inc. for Gordon Howie for a **Preliminary Plat** on Lots 9 through 24, Block 18; Lots 7 through 11, Block 19; Lots 8 through 14, Block 20; and Lots 16 and 17, Block 24; Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T, Trailwood Village Subdivision, located in the N1/2 SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located extending northwest from the current northern terminus of Savannah Street.
30. No. 05PL134 - A request by Sperlich Consulting for Dean Kelly Construction for a **Preliminary Plat** on Lots 1 through 10, Block 1, Sewer Lot 1, Lots 2 through 16, Block 2; Reservoir Lot and well Lots 1 through 3, Sheridan Lake Highlands, located in the SW1/4 SW1/4, Section 35 and in the SE1/4 SE1/4, Section 34, all located in T1N, R6E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 SW1/4; Less Lot H-1, S1/2 SW1/4, all located in Section 35; and the SE1/4 SE1/4, Section 34, less Lots 1 through 4, SE1/4 SE1/4; all located in T1N, R6E, BHM, Pennington County, South Dakota, located at the northwest corner of Sawmill Road and Sheridan Lake Road.
32. No. 05RZ045 - A request by Johnny Sundby for Hay Camp Co. for a **Rezoning from Medium Density Residential District to Office Commercial District** on Lot 1 of Lot H, Revised, Harter Subdivision, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2532 Canyon Lake Drive.
33. No. 05SV016 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Craig Erickson for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Crystal Dome Subdivision and dedicated right-of-way located in the E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, located south of Long View Road along Radar Hill Road.

34. No. 05SV023 - A request by Brent Pushing for a **Variance to the Subdivision Regulations to waive the requirement to pave and to reduce the surface width from 24 feet to 16 feet for Sunridge Road 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 the 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; SW1/4 SE1/4 SE1/4, all located in Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Sunridge Road.
35. No. 05SV027 - A request by Renner & Associates for Pete Lien and Sons for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on the Lien Tract and Lot AR, Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., legally described as Lot A, B, and C of Keller Subdivision, located in the S1/2 of SE1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., located at the old Dog Track on North Highway 79.
36. No. 05SV045 - A request by Centerline for PLM Land Development, LLC for a **Variance to the Subdivision Regulations to install curb, gutter, sidewalk, street light conduit, sewer, water and to reduce easement width from 49 feet to 26 feet and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 15, Block 1 and Lot 19, Block 2; Eastridge Estates Subdivision; Lots 1 through 15, Block 2, PLM Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the N1/2 NW1/4, Less Eastridge Estates Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the south side of Enchanted Pines Drive and the east and west sides of Luminosity Lane.
37. No. 05SV047 - A request by D.C. Scott Co. Land Surveyors for West River Electric for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot AR, Tract 1, Paul Subdivision; Lot WR located in the NE1/4 NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot A, Tract 1, Paul Subdivision; Lot W located in the NE1/4 NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota, located at 3383 and 3575 Reservoir Road.
38. No. 05VE009 - A request by Thurston Design Group, LLC for Pennington County Housing & Redevelopment Commission to consider an application for a **Vacation of Utility and Drainage Easement** on Lot 7, Block 2, Sheridan Heights Subdivision, located in the NE1/4 SW1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2601 Castle Heights Place.
39. No. 05VE010 - A request by Thurston Design Group, LLC for Pennington County Housing & Redevelopment Commission to consider an application for a **Vacation of Utility and Drainage Easement** on Lot 6, Block 2, Sheridan Heights Subdivision, located in the NE1/4 SW1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2601 Castle Heights Place.

40. No. 05VE011 - A request by Thurston Design Group, LLC for Pennington County Housing & Redevelopment Commission to consider an application for a **Vacation of Utility and Drainage Easement** on Lot 19, Block 1, Sheridan Heights Subdivision, located in the NE1/4 SW1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2602 Minnetonka Drive.
41. No. 05VE012 - A request by Thurston Design Group, LLC for Pennington County Housing & Redevelopment Commission to consider an application for a **Vacation of Utility and Drainage Easement** on Lot 15, Block 1, Sheridan Heights Subdivision, located in the NE1/4 SW1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2706 Minnetonka Drive.
42. No. 05VE013 - A request by Thurston Design Group, LLC for Pennington County Housing & Redevelopment Commission to consider an application for a **Vacation of Utility and Drainage Easement** on Lot 14, Block 1, Sheridan Heights Subdivision, located in the NE1/4 SW1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2710 Minnetonka Drive.
43. No. 05VE014 - A request by Thurston Design Group, LLC for Pennington County Housing & Redevelopment Commission to consider an application for a **Vacation of Utility and Drainage Easement** on Lot 7, Block 2, Sheridan Heights Subdivision, located in the NE1/4 SW1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2705 Queen Heights Court.
- 43.B. No. 05PL016 - A request by Ron Blum for Montana-Dakota Utilities Co. for a **Preliminary Plat** on Lot 1, MDU Regulator #83, located in the N1/2 Government Lot 4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 of GL3 and the N1/2 GL4 less Lots H1 & H2, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of the intersection of East Anamosa Street and Elk Vale Road on the east side of Elk Vale Road.
- 43.C. No. 05PL100 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 through 13, Block 11; Lots 1, Block 12; Lots 3 through 8 Block 7; Lots 3 through 9, Block 6; Lots 10 through 19, Block 5, Section 28, T1N, R7E, and Section 29, T1N, R7E, Red Rock Subdivision, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 NE1/4 and the SE1/4 NE1/4, Section 28, T1N, R7E, and the NW1/4 NW1/4 and the SW1/4 NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north and west of the northern terminus of Dunsmore Road.
- 43.D. No. 05PL123 - A request by Kadrmas for Pine Crest Village Ltd. Ptnshp. for a **Preliminary Plat** on Lot 2, Block 1, Pine Crest Village Addition located in the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land lying in the SW1/4 of Section 13, T2N, R7E, BHM, Rapid

City, Pennington County, South Dakota, described more particularly as follows: commencing at the southeast corner of Lot 12, Block 6, of the plat of Lots 1 and 2 of Block 5, and Lot 12 of Block 6, Auburn Hills Subdivision; thence from said corner of S00°06'59"W for 100.20 feet to the point of beginning; thence from said point of beginning S86°46'09"E for 310.31 feet; thence S00°11'06"W for 285.66 feet; thence S89°53'47"W for 310.03 feet; thence N00°12'53"E for 303.71 feet to the point of beginning, said tract contains 2.097 acres, and, a tract of land lying in the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: commencing at the southeast corner of Lot 12, Block 6, of the plat of Lots 1 and 2 of Block 5, and Lot 12 of Block 6, Auburn Hills Subdivision which is the point of beginning; thence from said point of beginning S00°06'59"W for 100.20 feet; thence S00°12'53"W for 303.71 feet; thence S00°17'45"W for 263.17 feet; thence S89°57'16"W for 311.95 feet; thence N00°11'03"E for 300.82 feet; thence along a curve to the right with a delta angle of 40°01'24", a radius of 174.00 feet and an arc length of 121.55 feet; thence N 40°12'27"E for 137.94 feet; thence along a curve to the left with a delta angle of 40°01'48", a radius of 226.00 feet and an arc length of 157.90 feet; thence N00°10'4"E for 3.16 feet; thence N89°41'05"E for 130.11 feet to the point of beginning, said tract contains 3.975 acres, located at the southern terminus of Chalkstone Drive.

- 43.E. No. 05PL135 - A request by Dream Design International for a **Preliminary Plat** on Lots 1 through 6, Block 19; Lots 1 through 6, Block 20; Lots 1 through 39, Block 21; Lots 1 through 8, Block 22 and dedicated public right-of-way, located in the NE1/4 SE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NE1/4 N1/2 SE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of Muirfield Drive and Dunsmore Road.
- 43.F. No. 05RZ046 - A request by Centerline, Inc. for PLM Land Development, LLC for a **Rezoning from General Agriculture District to Low Density Residential District** on Lots 1 through 15, Block 1; and Lot 19, Block 2, Eastridge Estates Subdivision; Lots 1 through 15, Block 2, PLM Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as commencing from the Point of Beginning, the North Quarter Corner of Section 24, T1N, R7E a rebar with cap marked "Davis #3095", thence S00°05'52"W - 623.22' to a point, thence N89°31'32"W - 68.00' to a point, thence S00°04'11"W - 6.78' to a point, thence S39°31'16"W - 15.73' to a point, thence S00 02'20"W - 52.00' to a point, thence S32°11'27"E - 18.62' to a point, thence S00°02'20"W - 107.70' to the northeast corner of Lot 18B in Block 2 of Eastridge Estates, a rebar with cap marked "RLS 3977", thence N89°58'01"W - 100.04' to a rebar with cap marked "RLS 3977", thence S00°02'20"W - 298.38' to a rebar with cap marked "RLS 3977", thence S03 33'57"W - 19.48' to a rebar with cap marked "RLS 3977", thence S13°29'25"W - 37.14' to a rebar with cap marked "RLS 3977", thence S26°43'09"W - 37.18' to a rebar with cap marked "RLS 3977", thence S39°53'41"W - 37.21' to a rebar with cap marked "RLS 3977", thence S50°26'32"W - 22.38' to a rebar with cap marked "RLS 3977", thence S54°24'38"W - 133.93' to a rebar with cap marked "RLS 3977", thence N35°35'14"W - 98.48' to a rebar with cap marked "RLS 3977", thence N44°27'27"W - 245.69' to a rebar with cap marked "RLS 3977", thence N79°44'48"W - 240.37' to a rebar with cap marked "RLS 3977", thence N16°51'47"E - 1075.77' to a point, thence S89°40'08"E - 500.00' to the Point of Beginning. Said parcel containing

16.24 acres more or less., located adjacent to the south side of Enchanted Pines Drive and the east and west sides of Luminosity Lane.

- 43.G. No. 05SV049 - A request by Alliance of Architects for Leon Brodie for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide and to waive the requirement to install gutter, street light conduit, sidewalk on both sides of the street, sewer, water and reduce pavement width along Baron Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 12, Well Lot and dedicated Baron Street Right-of-Way, Kostelecky Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 6, Tract A, Knight's Acres Subdivision, located in the N1/2 SE1/4 NE1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located at 3725 Anderson Road.
- 43.H. No. 05SV052 - A request by Sperlich Consulting for Dean Kelly Construction for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, sewer and water along Sheridan Lake Road; to install curb, gutter, street light conduit, sidewalk, water and sewer along the internal streets; and to install curb, gutter, street light conduit, sidewalk, sewer, water and pavement and to allow platting half a right-of-way along Sawmill Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 10, Block 1, Sewer Lot 1, Lots 2 through 16, Block 2; Reservoir Lot and well Lots 1 through 3, Sheridan Lake Highlands, located in the SW1/4 SW1/4, Section 35 and in the SE1/4 SE1/4, Section 34, all located in T1N, R6E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 SW1/4; Less Lot H-1, S1/2 SW1/4, all located in Section 35; and the SE1/4 SE1/4, Section 34, less Lots 1 through 4, SE1/4 SE1/4; all located in T1N, R6E, BHM, Pennington County, South Dakota, located at the northwest corner of Sawmill Road and Sheridan Lake Road.

Continue the following items until September 19, 2005:

44. No. 05PL041 - A request by D.C. Scott Co. Land Surveyors for Wayne Householder for a **Preliminary Plat** on Lot AR of Gravatt Subdivision, dedicated Anderson Road right-of-way and dedicated Dunn Road right-of-way and vacated 33' right-of-way located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot A of Gravatt Subdivision located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Anderson Road and Dunn Road.
45. No. 05PL090 - A request by Sperlich Consulting, Inc. for Doeck, L.L.C. for a **Preliminary Plat** on Lots 1 through 8 and Lots 24 through 61 of Block 1, and Lots 1 through 10 of Block 2, Brookfield Subdivision, located in the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to West Nike Road.
46. No. 05SV021 - A request by D.C. Scott Co. Land Surveyors for Wayne Householder for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water, and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot AR of Gravatt Subdivision, dedicated Anderson Road right-of-way and dedicated Dunn Road right-of-way and

vacated 33' right-of-way located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot A of Gravatt Subdivision located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Anderson Road and Dunn Road.

47. No. 05SV033 - A request by Sperlich Consulting, Inc. for Doeck, LLC for a **Variance to the Subdivision regulations to allow a lot twice as long as it is wide and to waive the requirement to install sidewalk and street light conduit along Cobalt Drive and to waive the requirement to install street light conduit on Adonia Lane, Wisteria Court and Three Rivers Drive as per Section 16.16 of the Rapid City Municipal Code** on Lots 1 through 8 and Lots 24 through 61 of Block 1, and Lots 1 through 10 of Block 2, Brookfield Subdivision, located in the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to West Nike Road.

Continue the following items until October 3, 2005:

48. No. 04AN009 - A request by Dream Design International, Inc. for a **Petition for Annexation** on the W1/2 SE1/4 and SE1/4 SE1/4 and N1/2 NW1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
49. No. 04AN010 - A request by Dream Design International Inc. for a **Petition for Annexation** on the S1/2 NE1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
50. No. 04CA029 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan** on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
51. No. 04PL097 - A request by Dream Design International, Inc. for a **Layout Plat** on Hyland Park Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
52. No. 04PL185 - A request by Black Hills Surveying for a **Preliminary Plat** on Lots 4 and 5 of Owen Hibbard Subdivision, all located in the W1/2 SW1/4, 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, located at the intersection of Promise Road and Golden Eagle Drive.
53. No. 04RZ037 - A request by Dream Design International, Inc. for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in the

W1/2 SE1/4 and the SE1/4SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.

54. No. 04SV042 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit; to waive the requirement to dedicate additional right-of-way; and, to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
55. No. 05PL129 - A request by Buescher Frankenberg Associates, Inc. for Wal-Mart Stores, Inc. for a **Layout Plat** on Lots 1 through 6, Wal-Mart Second Addition Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the W1/2 of the NW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the west 1/16th corner of Sections 26 and 35, T1N, R7E, BHM, Thence S00°00'22"W, along the west 1/16th line of Section 35, a distance of 712.71 feet to the point of beginning; Thence, first course: S00°00'22"W, along the west 1/16th line of Section 35, a distance of 629.95 feet, to the northwest 1/16th corner of Section 35; Thence, second course: S00°00'00"W, along the west 1/16th line of Section 35, a distance of 563.43 feet; Thence, third course: N83°15'19"W, a distance of 627.59 feet; Thence, fourth course: S06°44'41"W, a distance of 82.18 feet; Thence, fifth course: southwesterly, curving to the right on a curve with a radius of 182.00 feet, a delta angle of 53°16'41", a length of 169.24 feet, a chord bearing of S33°23'02"W, and chord distance of 163.21 feet; Thence, sixth course: S60°01'22"W, a distance of 91.24 feet; Thence, seventh course: N26°24'04"W, a distance of 5.31 feet; Thence, eighth course: northwesterly, curving to the left on a curve with a radius of 581.20 feet, a delta angle of 56°52'25", a length of 576.91 feet, a chord bearing of N56°38'32"W, and chord distance of 553.52 feet, to a point on the easterly edge of South Dakota South Highway 16 right-of-way; Thence, ninth course: N06°38'59"E, along the easterly edge of said right-of-way, a distance of 455.72 feet, to a point on the north 1/16th line of Section 35; Thence, tenth course: N06°40'09"E, along the easterly edge of said right-of-way, a distance of 753.66 feet; Thence, eleventh course: S83°15'19"E, a distance of 1134.04 feet, to the point of beginning. Said parcel contains 1,501,498 square feet or 34.470 acres more or less., located near the intersection of S.D. South Highway 16 and Moon Meadows Road on the east side of S.D. South Highway 16.

End of Continued Items Consent Calendar

The Council President announced the meeting was open for hearing on No. 05RZ038, second reading of **Ordinance No.5070**, a request by City of Rapid City for Tracy Parris for a **Rezoning from Flood Hazard District to Park Forest District** on a parcel of land located in Lot 5 of Tittle Springs Subdivision more particularly described as follows: located in the NE¼ of the SW¼ of Section 18, TIN, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel bears N09°00'28"W a distance of 814.22 feet from the southeast corner of Lot 2 of Tittle Springs Subdivision commencing at the point of beginning: Thence First Course: along the line common with lots 4 and 5 of Tittle Springs Subdivision a bearing of N01°27'29"E and a distance of 35.58 feet; Thence Second Course: along the 100-Year Flood Plain Boundary delineated from

F.I.R.M. Panel 465420-0011 F a bearing of N54°55'21"W, a distance of 14.13 feet: Thence Third course: along said 100-Year Flood Boundary Line a bearing of N87°37'55"W and distance of 4.24 feet; Thence Fourth Course: along said 100-year flood line a bearing of N70°03'43"W and distance of 5.26 feet; Thence Fifth Course: along said 100-Year Flood Line a bearing of N88°32'31"W and distance of 8.24 feet to the point of departure from said 100 year line; Thence continuing along a line with a bearing of N88°32'31"W and a distance of 20.76 feet to an intersection with the line common with lots 5 and 6 of Tittle Springs Subdivision; Thence Sixth Course: along the line common to the lots 5 and 6 of Tittle Springs Subdivision a bearing of S01°27'29"W and a distance of 45.05 feet; Thence Seventh Course: along a line with a bearing of S88°26'10"E, and a distance of 50.00 feet to the point of beginning. Said parcel of land contains 2,177.00 sq.ft/0.0500 acres, more or less. All located in Lot 5 of Tittle Springs Subdivision in the NE¼ of the SW¼ of Section 18, TIN, R7E, BHM, Pennington County, South Dakota, located at 6201 Magic Canyon Road. Kroeger moved, second by Chapman and carried with Hurlbut voting NO to deny.

The Council President presented No. 05CA023, a request by City of Rapid City for Tracy Parris for an **Amendment to the Comprehensive Plan to change the land use designation on a .05 acre parcel from Flood to Park Forest** on a parcel of land located in Lot 5 of Tittle Springs Subdivision more particularly described as follows: located in the NE¼ of the SW¼ of Section 18, TIN, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel bears N09°00'28"W a distance of 814.22 feet from the southeast corner of Lot 2 of Tittle Springs Subdivision commencing at the point of beginning: Thence First Course: along the line common with lots 4 and 5 of Tittle Springs Subdivision a bearing of N01°27'29"E and a distance of 35.58 feet; Thence Second Course: along the 100-Year Flood Plain Boundary delineated from F.I.R.M. Panel 465420-0011 F a bearing of N54°55'21"W, a distance of 14.13 feet: Thence Third course: along said 100-Year Flood Boundary Line a bearing of N87°37'55"W and distance of 4.24 feet; Thence Fourth Course: along said 100-year flood line a bearing of N70°03'43"W and distance of 5.26 feet; Thence Fifth Course: along said 100-Year Flood Line a bearing of N88°32'31"W and distance of 8.24 feet to the point of departure from said 100 year line; Thence continuing along a line with a bearing of N88°32'31"W and a distance of 20.76 feet to an intersection with the line common with lots 5 and 6 of Tittle Springs Subdivision; Thence Sixth Course: along the line common to the lots 5 and 6 of Tittle Springs Subdivision a bearing of S01°27'29"W and a distance of 45.05 feet; Thence Seventh Course: along a line with a bearing of S88°26'10"E, and a distance of 50.00 feet to the point of beginning. Said parcel of land contains 2,177.00 sq.ft/0.0500 acres, more or less. All located in Lot 5 of Tittle Springs Subdivision in the NE¼ of the SW¼ of Section 18, TIN, R7E, BHM, Pennington County, South Dakota, located at 6201 Magic Canyon Road. Kroeger moved, second by Chapman to deny. Upon a roll call vote on the motion to deny, the motion carried with the following voting AYE: Olson, Johnson, Kroeger, Hadcock, Chapman and Schumacher; NO: Hurlbut.

CONSENT CALENDAR ITEMS – 56-93

The following items were removed from the Consent Calendar:

57. No. PW072605-02 Approve the Plum Creek oversize request by Centerline with the following stipulations: 1) Construction of a three-lane Minnesota Street Extension and agree to oversize costs for the extra embankment for a future five-lane street. 2) Pay the additional costs for the extension of the storm sewer pipe to accommodate a five-lane embankment. 3) Follow the normal "oversize policy" with respect to the sewer and water.

- 4) Pay additional costs on a ratio basis for other items such as mobilization, additional topsoil, seed, fertilizer and mulch, and the applicable taxes on items eligible for oversize.
83. No. LF081005-07 Approve Travel Request for Dion Lowe, Dave VanCleave, John Wagner, Ron Back, Chuck Larson, Chip Petrik, Stacey Titus and Ron Barber to attend the South Dakota Water and Wastewater Association 2005 Annual Conference in Brookings, SD September 13-16th for an approximate amount of \$2478.

Kroeger moved, second by Okrepkie and carried to approve the following items as they appear on the consent calendar.

Public Works Committee Consent Items

56. No. PW072605-01 Direct applicant, LeMoyne Darnell with Landmark Stone to follow the normal process of sign review and approval through the Growth Management Department.
58. Refer ADA transition plan for curb cuts / sidewalks to the Capital Improvement Program Committee to work through the details and to provide a recommendation for funding.)
59. Acknowledge the report on the Saint Patrick Street road condition.
60. Refer the 100 Block of East Saint Charles Street road condition to the Capital Improvements Program Committee to be placed on the CIP Project Priority list.
61. No. PW042605-02 Direct staff to finalize the platting of the Owen Hibbard Subdivision property, and posting surety for improvements.
62. Identify a funding source to obtain an appraisal, and to list with a realtor to include the stipulation of guaranteeing the improvements as outlined by staff regarding the Owen Hibbard Subdivision property.
63. No. PW080905-01 Approve Change Order No. 2 and Final for the North Elk Vale Sewer Main Extension Project No. SS03-1292 to Mainline Contractors, Inc. for a decrease of \$19,009.41.
64. No. PW080905-02 Approve Change Order No. 1 and Final for the Sheridan Lake Road Panel Replacement Project No. STCM05-1385 to Tru-Form Construction, Inc. for an increase of \$7,806.08.
65. No. PW080905-03 Authorize staff to Advertise for Bids for Well No. 12 - Stoney Creek Booster Project No. W03-953; CIP #50318.
66. No. PW080905-04 Authorize Mayor and Finance Officer to sign an Agreement with Simpson & Associates, Inc. to provide appraisal or other services concerning Farnwood / Rapp Street Re-alignment Project No. ST04-929; CIP #50286 for an amount not to exceed \$4,000.00.
67. No. PW080905-05 Authorize Mayor and Finance Officer to sign a Joint Funding Agreement with U.S Geological Survey, United States Department of the Interior for Water Resources Investigations for an amount not to exceed \$129,553.00 of which \$104,000.00 is remaining to be paid in 2006.
68. No. PW080905-06 Authorize Mayor and Finance Officer to sign a Professional Services Agreement with TSP Three, Inc. for Engineering Services for the 43rd Court Water Main Reconstruction Project No. W05-1529; CIP #50606 for an amount not to exceed \$9,965.00.
69. No. PW080905-07 Authorize Mayor and Finance Officer to sign a Lease Agreement with Diamond Bar Seven, LLC for the USGS Office Building from January 1, 2006 through September 30, 2006 for an amount of \$86,249.97; and the City budget for the \$96,347.93 to include a pro-rated portion of 2005 and 2006 taxes.

70. No. PW080905-08 Authorize Mayor and Finance Officer to sign an Agreement with Harold and Judy Bies and Lyle and Audry Petersen to reimburse the City in the amount of \$26,195.50 for water line construction in the MJK Subdivision.
71. Acknowledge the Meade Street drainage ditch restoration project report.
72. No. PW080905-09 Authorize staff to proceed with negotiations with Dream Design International, Inc. for the design services for the construction of the Nugget Gulch road tie-in in Springbrook Acres.
73. No. PW080905-10 Approve an additional FTE and \$31,000 to the unfunded 2006 budget request for the Rapid Transit System.
74. No. 05TP009 Approve the **Final 2006-2010 Transportation Improvement Program**.
75. No. 05VE015 Approve a **Vacation of Non-Access Easement** for petitioner Loren Miles for 4 Miles Investment LLC on Lot 1, Block 2, Kensington Heights Subdivision, Section 18 T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 559 Field View Drive.
76. No. 05SE008 Approve an **Exception to the 40 Unit Rule for not more than 48 dwelling units with one point of access in Lieu of 40 dwelling units as per the Street Design Criteria Manual** for petitioner Sperlich Consulting for Kensington Heights LLC on Lots 9R and 10, Block 2, Lots 6 through 10, Block 3, Kensington Heights Subdivision; and temporary easement located in the E1/2 of the S1/2, Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 9, Block 2, Kensington Heights Subdivision, and a portion of the E1/2 of the S1/2, Government Lot 4, located in Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north side and the south side of Dawn Drive.
77. No. 05PL116 Approve a **Preliminary Plat** for petitioner Centerline for PLM Land Development, LLC on Lots 5 through 15, Block 2, located in the NE1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as E1/2 N1/2 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northern terminus of Enchantment Road with corrected stipulations as outlined.

Legal & Finance Committee Consent Items

78. No. LF081005-01 Approve Travel Request for Mayor Shaw, Tom Johnson, Sam Kooiker, Malcom Chapman, and Ron Kroeger to attend National League of Cities Congress of Cities Conference in Charlotte, NC, December 5-11, 2005, in the approximate amount of \$11,195.
79. No. LF081005-02 Approve Travel Request for Captain Mike Maltaverne to attend ARFF Working Group Conference in Dallas, TX November 5-10, 2005, in the approximate amount of \$1755.
80. No. LF081005-03 Approve Event Permit for Central States Fair to hold a parade on August 20, 2005.
81. No. LF081005-05 Authorize Mayor and Finance Officer to sign an annual renewal Contract with Johnson Controls for the Energy Plant (3% Increase from \$13,905 to \$14,322).
82. No. LF081005-06 Authorize Mayor and Finance Officer to sign an annual renewal Contract with Johnson Controls for the Milo Barber Center (3% Increase from \$4,655 to \$4,795).

84. Approve a Travel Request for Jerry Wright to attend SWANA Conference in Austin, TX, September 26-30, 2005 to accept an award for the City of Rapid City for an approximate amount of \$1,750.00
85. No. LF081005-08 Approve a Raffle Request from Ellsworth Officers Spouses Club (EOSC) to hold a raffle September 24, 2005 through October 29, 2005.
86. No. LF081005-09 Approve a Developers Agreement with Park Meadows LLC for Tax Increment District #52.
87. Approve the following licenses: Trenching Journeyman: Brad Thomson; Security Business: Marshall Security, Marshall T Burnette; Mechanical Apprentice: Greg Gasper and Timothy J Simon; Electrical Apprentice: Daniel E Runestad, Mike Wolf, James Landers, Tyrel Sabo, William H Mische, and Jon Budt; Electrical Master: David Taylor and Les Thayer; Plumbing Contractor: Darrell O Barry, Darrell's Plumbing & Heating; Sewer and Water Contractor License: Cody Schad, Schad Construction, Inc.

Growth Management Department Consent Items

88. No. 05PL086 - A request by Centerline for PLM Land Development, LLC for a **Preliminary Plat** on Lots 1 through 20 located in NE1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Catron Boulevard and Fifth Street. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Development Service Center Division; 2. Prior to Preliminary Plat approval by the City Council, road construction plans for Enchantment Road shall be submitted for review and approval. In particular, the road construction plans shall show Enchantment Road located in a minimum 68 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface, curb, gutter sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the plat document shall be revised eliminating proposed Lot 20; 3. Prior to Preliminary Plat approval by the City Council, a maintenance agreement shall be submitted for review and approval for the sanitary sewer main to be located along the common lot line of proposed Lots 9 and 10 as well as the graveled maintenance road; 4. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to provide property line sidewalks or an Exception to allow curb side sidewalks shall be obtained; 5. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 6. Prior to submittal of a Final Plat application, a different street name for "Highlights Lane" shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name; 7. An Exception is hereby granted to allow access to proposed Lot 13 from Enchanted Pines Drive in lieu of Highlights Lane, the lesser order street, as per the Street Design Criteria Manual with the stipulation that the plat document be revised to provide a non-access easement along the first fifty feet of the corner of the lot; 8. Prior to submittal of a Final Plat application, the plat document shall be revised to provide a non-access easement along Enchantment Road, along Enchanted Pines Drive as it abuts Lot 1 and along the first fifty feet of all corner lots; and, 9. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

89. No. 05PL113 - A request by Dream Design International, Inc. for a **Layout Plat** on the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as E1/2 NE1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 4511 Jolly Lane. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Layout Plat approval by the City Council, a Comprehensive Plan Amendment to the Major Street Plan relocating the minor arterial street and the collector street as they abut and extend through the subject property, respectively, shall be approved as proposed or the plat document shall be revised accordingly; 2. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval; 3. 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; 4. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In particular, the drainage plan shall demonstrate accommodation for the Cyclone Ditch located through the property. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. In addition, the plat document shall be revised to provide drainage easements as necessary; 5. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities 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. In addition, the sewer plans shall demonstrate adequate capacity of the downstream wastewater system. The plat document shall also be revised to provide utility easements as needed; 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 water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed; 8. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the north line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way. In addition, a Comprehensive Plan Amendment to the Major Street Plan shall be obtained relocating and/or eliminating the proposed minor arterial street; 9. Upon submittal of a Preliminary Plat, road construction plans for Jolly Lane shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 10. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets shall be submitted for review and approval. In particular, the cul-de-sac streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved

surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 11. Upon submittal of a Preliminary Plat application, road construction plans for the sub-collector streets, or those streets serving more than twenty lots, shall be submitted for review and approval. In particular, the streets shall be located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 12. Upon submittal of a Preliminary Plat, road construction plans for the lane place streets, or those street serving not more than twenty lots, shall be submitted for review and approval. In particular, the road construction plans shall show the streets located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 13. Upon submittal of a Preliminary Plat, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the subject property as well as to adjacent properties; 14. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met; 15. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 16. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide a second street connection to the subject property as a part of Phase One of the development or the right-of-way shall be dedicated as an "H" Lot or on a separate plat document or an Exception to allow 624 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual shall be obtained; 17. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement; 18. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits of Rapid City; 19. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along the section line highway located along the north lot line, which is a minor arterial street, or a Variance to the Subdivision Regulations shall be obtained; 20. Prior to submittal of a Final Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual; 21. Prior to submittal of a Final Plat application, the applicant shall submit street names to the Emergency Services Communication Center for review and approval. In addition, Castle Pines Drive and Grey Hawk Court shall share a single name. In addition, the plat document shall be revised to show the approved street names; and 22. 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.)

90. No. 05PL120 - A request by Peter Hendricksen for a **Preliminary Plat** on Lot 13AR and Lot 14AR, Block 3, Wildwood Subdivision, Section 21, T1N, R8E, BHM, Rapid City,

Pennington County, South Dakota, legally described as Lot 13R and Lot 14R, Block 3, Wildwood Subdivision, located in the W1/2 SE1/4, E1/2 SW1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 5775 and 5827 Wildwood Drive. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, road construction plans showing the installation of curb and gutter on the east side of the street with sidewalk, street light conduit and sewer along both sides of Wildwood Drive as it abuts the subject property shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and, 3. 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.)

91. No. 05PL127 - A request by Phil Olsen for Heartland Development Group for a **Preliminary Plat** on Lots 1, 8, 9, 10 and drainage Lot 11, Block 1; Lots 1 through 6, Block 2, Lot 2; Block 3 and dedicated public Right-of-Way located in the NE1/4 NE1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as that portion of Lot D located in the NE1/4 NE1/4, less Northstar Subdivision and less the Right-of-Way, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the Seger Drive and Dyess Avenue intersection. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 2. Prior to submittal of a Final Plat application, all necessary changes shall be made to the plat document as identified on the red lined drawings. In particular, the plat document shall be revised to show a fifty foot non-access easement along the corner of Lot 8, Block 1 and Lot 2, Block 3; and, 3. 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.)
92. No. 05PL130 - A request by Alliance of Architects for Leon Brodie for a **Layout Plat** on Lots 1 through 12, Well Lot and dedicated Baron Street Right-of-Way, Kostelecky Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 6, Tract A, Knight's Acres Subdivision, located in the N1/2 SE1/4 NE1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located at 3725 Anderson Road. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan, as well as an erosion and sediment control plan, shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that discharge shall not exceed pre-developed flow rates and shall not exceed capacity of downstream facilities. Any discharge onto adjacent properties shall be located within designated drainage easements. In addition, the plat document shall be revised to provide drainage easements as needed; 2. 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 private and public utilities through the subject property as well as to adjacent properties; 3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the

Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval; 4. 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. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed with a minimum eight inch water main and shall be designed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed; 5. Upon submittal of a Preliminary Plat application, construction plans for Baron Street shall be submitted for review and approval. In particular, Baron Street shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The construction plans shall also show the proposed turnaround(s) located in a minimum 110 foot wide right-of-way and constructed with a minimum 92 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 6. Upon submittal of a Preliminary Plat application, the two ninety degree radius turns along Baron Street shall be reconfigured to support a minimum 20 mile per hour design speed or an Exception to the Street Design Criteria Manual shall be obtained; 7. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the extension of Baron Street to the west lot line of the subject property; 8. Upon submittal of a Preliminary Plat application, the location of the approach to "Lot 5R" located directly north of the subject property shall be shown to insure that adequate separation is provided between Baron Street as it extends west from Anderson Road and the approach or an Exception to the Street Design Criteria Manual shall be obtained; 9. Upon submittal of a Preliminary Plat application, a subdivision cost estimate shall be submitted for review and approval; 10. Prior to Preliminary Plat approval by the City Council, the property shall be rezoned to support the proposed lot size(s) or a lot size variance shall be obtained; 11. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; 12. Prior to submittal of a Final Plat application, a road maintenance agreement for Baron Street shall be submitted for review and approval; 13. Prior to submittal of a Final Plat application, a maintenance agreement for the community water system shall be submitted for review and approval; and, 14. 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.)

93. No. 05PL131 - A request by Kadrmas, Lee and Jackson for Edgewood Estates for a **Preliminary Plat** on Lot 1, Block 1, Edgewood Estates Addition, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a Tract of land lying in the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, described more particularly as follows: Commencing at the southeast corner of Lot 1, Block 5, of the Plat Of Auburn Hills Subdivision; Thence S0 10'40"W for 3.16 feet; Thence along a curve to the right with a delta angle of 45 00'00", a radius of 174.00 Feet and an Arc length of 121.57 feet; Thence S40 12'27"W for 115.26 feet to the Point of Beginning; Thence from said point of beginning S40 12'27"W for 22.69 feet; Thence

along a curve to the left with a delta angle of 40 01'24", a radius of 226.00 feet and an Arc length of 157.87 Feet; Thence S00 11'02"W for 301.03 feet; Thence S89 57'18"W for 478.00 feet; Thence N00 11'33"E for 525.82 feet; Thence N90 00'00"E for 400.98 feet; Thence long a curve to the right with a delta angle of 40 12'27", a radius of 194.00 feet and an arc length of 136.14 feet; Thence S49 47'33"E For 25.06 feet to the said point of beginning. Said Tract contains 256,040 square feet or 5.878 acres, located at the southern terminus of Chalkstone Drive. (DENIED WITHOUT PREJUDICE AT THE APPLICANT'S REQUEST.)

- 93.A. No. 05PL132 - A request by Cetec Engineering Services, for Bruce Kulpaca for a **Preliminary Plat** on Lots 8, 9, 10, 11 and 12 of Block 1, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the east side of Merlot Drive and north of East Oakland Street. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. An Exception is hereby granted to allow access to Lot 12, Block 1 from Merlot Drive in lieu of "New Street"; which is the lesser order street; 2. An Exception is hereby granted to allow a curb side sidewalk along Merlot Drive as it abuts Lot 12, Block 1; 3. Prior to Preliminary Plat approval by the City Council, a Master Utility Plan showing the private utilities shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; 5. Prior to Preliminary Plat approval by the City Council, the hammerhead design shall be adjusted to provide a minimum 120 foot turnaround at the end of the street in lieu of 100 feet as per the International Fire Code; 6. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; 7. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along the first fifty feet of the southwest corner of Lot 12, Block 1; 8. Prior to submittal of a Final Plat application, a different street name shall be submitted for review and approval for "New Street". In addition, the plat document shall be revised to show the approved street name; 9. Prior to submittal of a Final Plat application, the plat title shall be revised to include "Park Hill Subdivision (formerly Tract B of the NW1/4SE1/4 of Section, T1N, R8E) located in..."; 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.)

END OF CONSENT CALENDAR

The Council President presented No. PW072605-02, to approve the Plum Creek oversize request by Centerline with the following stipulations: 1) Construction of a three-lane Minnesota Street Extension and agree to oversize costs for the extra embankment for a future five-lane street. 2) Pay the additional costs for the extension of the storm sewer pipe to accommodate a five-lane embankment. 3) Follow the normal "oversize policy" with respect to the sewer and water. 4) Pay additional costs on a ratio basis for other items such as mobilization, additional topsoil, seed, fertilizer and mulch, and the applicable taxes on items eligible for oversize; whereupon Hurlbut moved, second by Olson and carried to approve. Hurlbut moved, second by

Olson and carried to direct staff to prepare the developer's agreement for the IDPF loan. Hurlbut moved, second by Olson and carried to direct staff to prepare the oversize cost agreement.

Chapman moved, second by Hurlbut and carried (No. LF081005-07) to approve Travel Request for Dion Lowe, Dave VanCleave, John Wagner, Ron Back, Chuck Larson, Chip Petrik, Stacey Titus and Ron Barber to attend the South Dakota Water and Wastewater Association 2005 Annual Conference in Brookings, SD September 13-16th for an approximate amount of \$2,482.00.

ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

The Council President announced the meeting was open for hearing on the listed applications for Alcoholic Beverage Licenses to operate within the City of Rapid City, South Dakota. No public comments were made. Chapman moved, second by Hurlbut and carried to close the public hearing.

Chapman moved, second by Hurlbut and carried to approve the following alcohol license application.

Package (Off-Sale) Liquor License

94. Hogg Restaurant Service dba **HRS Food Service**, 2501 West Chicago Street for a Package (Off-Sale) Liquor License

Special Beer and Wine License

95. Rapid City Arts Council, Inc. dba **Dahl Arts Center**, 713 7th Street for a Special Beer and Wine License for an event scheduled August 20, 2005
96. Rapid City Arts Council, Inc. dba **Dahl Arts Center**, 713 7th Street for a Special Beer and Wine License for an event scheduled September 8, 2005
97. Rapid City Arts Council, Inc. dba **Dahl Arts Center**, 713 7th Street for a Special Beer and Wine License for an event scheduled October 13, 2005

ITEMS FROM COUNCIL MEMBERS/LIAISON REPORTS

Aldermen Hadcock requested Public Works staff review the impacts of Southeast Connector construction on the City sewer facilities with the South Dakota Department of Transportation. Property owner Marvin Paske addressed the Council explaining his property is located on the south side of Catron Blvd and east of South Hwy 79. He indicated the City installed a sewer line and the manhole covers are buried beneath eighteen inches of mud. Paske indicated there has been no request for a right-of-way to access the sewer line for maintenance purposes. He also indicated that he had in mind to develop his property and questioned whether he would be responsible for the expense of raising the sewer and manholes out of the mud. Public Works Director Jablonski explained the City will meet with the DOT regarding this issue. Kooiker moved, second by Hadcock to request that Public Works proceed with addressing this issue and bring a report to the next Public Works meeting. Motion carried.

The Council President present No. CC081505-03, a resolution concerning the Dahl Expansion. Alderman Hurlbut commented that the Council needed to be careful so as not to commit to the \$11 Million request, but commit only to additional funds. Hurlbut suggested amending the resolution to read - reasonable construction costs levels, and move forward on this long awaited

project. Hurlbut moved, second by Olson to approve the resolution concerning the Dahl expansion, with an amendment to resolution that indicates "to fund reasonable construction costs to move forward on this long awaited project."

Olson moved, second by Kroeger and carried to limit discussion to forty minutes; twenty (20) minutes each for proponents and opponents.

Mark Mohlers and Barb Lindermann representing the Rapid City Arts Council addressed the Council indicating they needed help from the Council. Mohlers briefly described the history of the project that began in 1999. They suggested the cost of the project increased because of inflation, by at least \$3.2 Million. Mohlers explained RCAC has made grant applications to several large benevolences, who have indicated their willingness to fund the project totally \$1.3 Million. Lindermann indicated the Rapid City Arts Council plan has not changed. Lindermann explained the need for a mid-size theater; a need for the expansion of educational space; a need to improve galleries; a need for storage space for the permanent collection; and a need to meet ADA accessibility throughout the facility. Lindermann addressed the a criticism that the Dahl expansion has gotten out of control, doubled in size, tripled in cost; suggesting this is not true. The project is over five years in the making and the biggest culprit is inflation in the construction industry. There have been changes in the building code, adding costs to the restrooms, kitchen, entry, and lobby. Lindermann indicated there is a need for more extensive renovation in the MDU building to make it more functional and efficient. She pointed out the Dahl is now six years older, and aging. There is an extensive need for more electrical and mechanical to replace the aging systems. Mohlers and Lindermann indicated the Rapid City Arts Council has followed through on their promise to the City; conducted a successful campaign raising \$2.5 Million from the private sector for the expansion. Lindermann indicated there is an opportunity for private donations and grants that contribute thirty-four percent of the total project costs; and explained that there is a national foundation grant in jeopardy. Mohlers explained that if the expansion project is not completed, they must consider refunding \$0.5 Million to endowment donors; and questioned what would happen to the \$0.5 Million MDU building purchase.

Woody Redal, local citizen; Jerred Hurd, local film maker; Dennis Risky, RCAC President; Carolyn Parker, Dahl volunteer; Ray Tisdale; Bill Griffin, real estate investor; and Debra Mitchell, SDSM&T teacher all spoke of their support of the Dahl, the Dahl's assistance in each of their endeavors, and support of the expansion project; and all urged the City Council to fulfill their commitment and support the expansion project.

Ron Reed addressed the City Council listing his credential and involvement in the theater. He reported serving as Chairman of the Committee for the expansion of the Dahl. As a representative of several arts organization, Reed asked the City Council to table the resolution and follow the procedures the Council established regarding the new 2012 allocations. Reed stated the performing arts groups have been led to believe that a group of Council members would be reviewing the recommendations made by the thirty-three member Citizens' 2012 Committee. Reed indicated the resolution presented, bypasses the established procedure and it opens the door to others who were not recommended for 2012 funding to come forward for inclusion. Reed explained they continue their support for additional gallery space, storage space for the permanent collection, office and classroom space at the Dahl. However, they believe a theater facility would best meet the needs of the community in a space that could accommodate the theater; rehearsal space for drama, orchestra and chorus; storage and office space for the

groups and provide sufficient parking now and for the future. Reed suggested their proposed performing arts center can be built at a less expensive price. He suggested if the Council wishes to build a land-locked facility that has no room for expansion, does not meet the needs of all the arts groups, has inadequate parking, will cost \$3 Million more than necessary to build, and will need \$169,000 annually in additional subsidy, then the Council should approve the resolution.

Stuart Kellogg, past President of Black Hills Symphony Orchestra; Tomi Lien-Knecht, Board President of Dakota Artist Guild; Judy Vidal, Ted McBride, Wayne Gilbert and Graham Thatcher offered their support of the visual and performing arts. All urged the City Council to follow their established procedures for the 2012 program. Support was offered for the performing arts center as it provides needed rehearsal space, where the Dahl does not. Pauline Lundy, Children's Chorus explained that for the past twenty years they have used Dakota Middle School for their rehearsals and concert venue; but have been advised that in the years to come the next building to be vacated by the School District will probably be Dakota Middle School. McBride explained the 2012 Committees decided the Dahl should be funded as a visual arts center and as an educational center and a separate performing arts center was best for the City. He believed it fair to hear both sides through the Council's committee reviewing the 2012 projects. Wayne Gilbert suggested that what is more important, that no one has said, is that whether the \$11 Million proposal is a more reasonable, more economical use of taxpayer money. He indicated that if the process is allowed to continue, the Council will hear all the reasons why the performing arts center is a far more economical use of taxpayer money, and why it is a viable project. Gilbert suggested there is no personality conflict between those who support the Dahl and those supporting the performing arts center.

Alderman Kooiker expressed concern about the conflict between the groups and suggested more discussion was warranted. Responding to a question from Alderman Kooiker, Council President Johnson explained the RCAC is seeking approval of a resolution which obligates the City to fund the Dahl, and gives the Dahl an opportunity to leverage funding through a grant. Linda Anderson, Executive Director of the Dahl indicated they are asking for help to protect the funding package that has been put in place through three years of hard work on the part of all the volunteers and staff, and also the City; and what is required is a full funding package that can be provided to the Kresge Foundation and the Bush Foundation. Alderman Olson spoke of the half cent sales tax used to fund the construction of the civic center and the extension of that tax for other projects. Olson spoke of the expansion of the Dahl and indicated this facility no longer meets the needs of the community and suggested this project needs to go forward and asked for support of the project. Alderman Hadcock indicated her support of the arts, but suggested the procedure be followed as it relates to the 2012 funding. Alderman Hurlbut commented that the City Council look at the \$1.5 Million in grant money and approve a resolution of backing to facilitate the process of applying for the \$1.5 Million. Alderman Hadcock emphasized that the City Council is not turning its back but only following the procedure. Substitute motion was made by Hadcock to table the resolution. The Chair ruled the substitute motion out of order. Alderman Johnson indicated information he received is not totally true and there is some accusation that the City has not been forthcoming with the Dahl project. He pointed out that he has been a long standing member of the Council, and was present at the first round of 2012, and also present at the second round of 2012 funding. Johnson explained the original Dahl request was \$4 Million, and the Dahl was going to raise \$1.5 Million. Additionally the Dahl was going to pay for all additional expenses incurred for the operation, and the City would continue on major things for the building as it is the City's building. The City placed the Dahl program in fifth year of the program as the Dahl had not yet raised their money

and there were other projects to be considered. He suggested that at no time did the City pulled back on the funding. Johnson accounted for the remaining funds, explaining what remains in round two is \$3.2 Million because \$800,000 was expended; and of that \$800,000 there was \$300,000 in design and \$500,000 for the purchase of the MDU building. He explained that the Dahl, along with the architect and the arts supporters, looked at the program and decided they must conduct a needs assessment. They determined that their needs were not fully being met. Somewhere along the way, the project grew a little bit. Based upon the needs assessment, the architect started the design of the Dahl. Johnson emphasized that the City has kept its full commitment, the \$4 Million, minus the \$800,000 with \$3.2 Million remaining. He suggested the process not be short-circuited. Alderman Olson indicated this is a unique situation and the process is not being circumvented. Alderman Okrepkie suggested this issue does bypass the process. Alderman Chapman indicated that he did not support the resolution and questioned the issue of inflation regarding this project, and the term "reasonable cost". He suggested the City Council will not fix the problem until they talk about what is at the crux of the issue, which is the division in the arts community. Chapman extended an offer to mediate between the groups.

Substitute motion was made by Kooiker, second by Schumacher asking Council leadership to set a special Council meeting on Tuesday, August 23, 2005 at 5:30 P.M.

Alderman Okrepkie suggested the City Council allow Council leadership to complete their task of reviewing the 2012 projects, and suggested it is not in the best interest of the Council to single out this project. Alderman Kroeger indicated his support for the Dahl, and urged the supporters and the City Council to honor the 2012 process. He pointed out that there are 41-43 projects to be reviewed, and it is a time consuming process. He indicated the City Council still needs to decide whether to bond or pay as you go. Alderman Hadley indicated that this issue is not about whether to support the Dahl or the arts; it is about the process and the need to follow the process. Clarification was offered by Linda Anderson, who explained that the RCAC is asking for \$7.2 Million; that in combination with the \$4 Million from the last round of 2012. Because of the unavailability of several Council members, and with the consent of the Council, Kooiker withdrew the substitute motion; and suggested the entire City Council convene as its 2012 Committee.

Substitute motion was made by Olson, second by Hurlbut to set a special Council meeting for August 29, 2005 at 5:15 P.M.

Second substitute motion was made Hadcock, second by Okrepkie to refer this issue to the 2012 Task Force.

Alderman Okrepkie called the question. Noting an objection from Alderman Hurlbut, a roll call vote was taken, and the following voted AYE: Olson, Okrepkie, Johnson, Kroeger, Hadcock, Chapman, Kooiker, and Hadley; NO; Hurlbut and Schumacher. Motion carried.

Upon a roll call vote on the second substitute motion to refer the issue to the 2012 Task Force, the following voted AYE: Okrepkie, Johnson, Kroeger, Hadcock, and Chapman; NO: Hurlbut, Kooiker, Schumacher. Hadley, and Olson. On a tie vote, the motion failed.

Upon a roll call vote on the substitute motion to set a special Council meeting, the following voted AYE: Hurlbut, Kooiker, Schumacher, Hadley, and Olson; NO: Johnson, Kroeger, Hadcock, Chapman, and Okrepkie. On a tie vote, the motion failed.

Substitute motion was made by Kooiker, second by Kroeger to table. Upon a roll call vote, the following voted AYE: Kroeger, Hadcock, Chapman, Kooiker, Schumacher, Okrepkie, and Johnson; NO: Hurlbut, Hadley, and Olson. Motion carried.

(Information only) Alderman Schumacher reported a drainage issue on the south side of Hanover Street in an area between the Kensington Height development and existing homeowners on Hanover Street. He indicated there is a question of who is responsible for the maintenance of the area between the Kensington Height development and existing homeowners on Hanover Street.

BID AWARDS

The following companies submitted bids for No. CC081505-01 Gas Chromatograph Mass Spectrometer for Rapid City Police Evidence Section 05-01 opened August 1, 2005: Varian, Inc., Shimadzu Scientific Instruments, Inc. (two bids), Thermo Electron North American LLC (two bids), and Agilent Technologies, Inc. Staff reviewed the bids and recommends the bids be referred to the August 22, 2005 Special Council meeting; whereupon Okrepkie moved, second by Kroeger and carried to approve staff recommendation.

The following companies submitted bids for No. CC081505-01 Block 8 Alley Paving, West Boulevard Addition Project No. ST03-1330 / CIP No. 50595 opened August 10, 2005: Hills Materials Company and Mainline Contracting, Inc. Staff reviewed the bids and recommends the bids be referred to the August 30, 2005 Public Works Committee meeting; whereupon Kroeger moved, second by Okrepkie and carried to approve staff recommendation.

The following companies submitted bids for No. CC081505-01 Flannery Property Drainage Improvements, Fairgrounds East Drainage Project No. DR04-1389 / CIP No. 50544 opened August 10, 2005: Heavy Constructors, Inc., Shovelhead Excavating, Inc., Simon Contracting of South Dakota, Inc., Highmark, Inc., Mainline Contracting, Inc., Hills Materials Company, Quinn Construction, Inc. and Black Hills Excavating Services, Inc. Staff reviewed the bids and recommends the bids be referred to the August 30, 2005 Public Works Committee meeting; whereupon Kroeger moved, second by Okrepkie and carried to approve staff recommendation.

APPROVAL OF BILLS

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

Payroll Paid Ending 08-06-05, Paid 08-12-05	723,146.78
Payroll Paid Ending 08-06-05, Paid 08-12-05	2,511.20
Pioneer Bank, Taxes Paid 08-12-05	172,733.59
Pioneer Bank, Taxes Paid 08-12-05	167.49
First Administrators, claims paid 08-03-05	41,912.48
First Administrators, claims paid 08-09-05	156,949.17
Berkley Risk Administrators, July claims	41,089.06
Black Hills Electric Cooperative, electricity	730.90
Black Hills Power & Light, electricity	25,738.20

CITY COUNCIL

AUGUST 15, 2005

West River Electric Association, electricity	18,872.75
United States Postmaster, postage	1,600.00
Computer Bill List	<u>3,778,570.06</u>
Subtotal	\$4,964,021.68
Payroll Paid Ending 08-06-05, Paid 08-12-05	2,617.10
Pioneer Bank, Taxes Paid 08-12-05	200.21
City of Rapid City, postage	4.26
City of Rapid City, health insurance	643.00
City of Rapid City, petty cash	20.00
Dakota Business Center, copier maintenance/paper	33.07
Rushmore Plaza Holiday Inn, recognition dinner	2,614.96
Simpson's Printing, dinner programs	253.30
SD Retirement Systems, July retirement	442.96
SD School of Mines & Technology, telephone	47.15
Standard Life, August life	<u>7.92</u>
Total	\$4,970,905.61

POLICE DEPARTMENT ITEMS

Hadley moved, second by Schumacher to table the appeal of security license denial by Merlin Guthmiller. Substitute motion was made by Hadley, second by Kroeger and carried to deny the appeal of the security license by Merlin Guthmiller.

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 11:45 P. M.

CITY OF RAPID CITY

ATTEST:

Council President

Finance Officer

(SEAL)