

*At 5:45 P.M., members of the City Council and City Department Heads met for an informal discussion on the Agenda for the City Council in 3<sup>rd</sup> floor West Conference Room. No action was taken or expected to be taken. The following were in attendance: Aldermen Kooiker, Waugh, Kroeger, Olson, Hurlbut and Chapman; Mayor Shaw, City Finance Officer Preston, Public Works Director Jablonski, Assistant Public Works Director Vore, City Attorney Green, Growth Management Director Elkins, Fire Chief Shepherd, Police Chief of Staff Talley, Airport Director Short, Civic Center Manager Maliske, and Parks and Recreation Director Cole.*

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

February 21, 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, February 21, 2005 at 7:00 P.M.

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

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

**APPROVE MINUTES**

Johnson moved, second by Olson to approve the minutes of February 7, 2005 and special council of May 3, 2004. Friendly amendment was offered by Alderman Kooiker to include the words "not audible" in the necessary place. Motion as amended, carried.

**ADOPTION OF THE AGENDA**

The following items were added to the agenda:

- 2.A. Citizen of the Month
- 4.A. Items from Mayor on J & D Precast certification of manholes
- 5.A. Black Hills Visions, Alderman Olson
- 5.B. Landfill odor from co-composting facility and bird problems, Alderman Kooiker and Hadley
- 5.C. 2005 Municipal Election, Alderman Kooiker
- 48.A. Set for Hearing on April 18, 2005 Revocation of a Package Off-Sale Liquor License for Patricia Weaver dba **Gas 'N' Snax**, 418 Knollwood Drive
- 35.A. Consider agenda item No. 115
- 121. Executive Session to discuss pending litigation, contractual and personnel matters

- Consider agenda item Nos. 94, 95, 116 and 117 after Executive Session

French moved, second by Olson and carried to adopt the agenda as amended.

### **AWARDS AND RECOGNITIONS**

Mayor Shaw presented the Veteran of the Month for February 2005 to Robert P. King and recognized his efforts and dedication to the service of his country.

Mayor Shaw presented a Certificate of Recognition to the following: Manuel Davila, 25 years at the Rushmore Plaza Civic Center; Dave Stratton, 20 years at the Rapid City Police Department; Ronald Bedard, 20 years at Rapid City Police Department; and Glen Yellowrobe 20 years at the Rapid City Police Department. Mayor Shaw expressed his appreciation to each for their outstanding service to the City.

Mayor Shaw acknowledged the Citizen of the Month for February 2005 as Peg Seljeskog and commended Peg on her service to the Rapid City community.

### **GENERAL PUBLIC COMMENT**

Ray Summers, Director of The Journey Museum briefed the Council on their 2004 activities. He reported five major changes to the museum collections; exhibit changes in the Adelstein Gallery; developing and providing educational programs; submitting a planning grant application to the Bush Foundation to allow the Museum to hire a consultant to develop a comprehensive education program, and develop a program that is sustainable, and develop a complete proposal to be submitted to the Bush Foundation for funding of the humanity side of the Museum's collection. He suggested there are issues to be addressed, such as attendance and awareness in the community of the value of the Museum. He also reported their funding raising events continue.

Ryan McCalley, Big Sky Homeowners Association approached the Council about the annexation of the Big Sky development and the importance of this issue to the residents of Big Sky. Mayor Shaw pointed out that Big Sky development is located in Rapid Valley, east of Elk Vale Road; and is scheduled to be voluntarily annexed into Rapid City. Shaw explained that was an agreement made with the developer five years ago. Shaw indicated there are some issues that have been worked through for the residents of Big Sky; and one remains and that deals with water and sewer rates.

### **BID OPENINGS AND AWARD**

The following companies submitted bids for No. CC022105-00 One (1) New 2005 Model or Newer Regular Cab and Chassis for Parks Department opened Thursday, February 17, 2005: McKie Ford Lincoln Mercury and Rapid Chevrolet. Staff reviewed the bids and recommends the award to Rapid Chevrolet. Kroeger moved, second by Hurlbut to approve the bid award of One (1) New 2005 Model or Newer Regular Cab and Chassis to the lowest responsible bidder meeting specifications, Rapid Chevrolet for the low unit prices bid of \$17,998, less trade-in of \$2,000 for a total contract amount of \$15,998. Motion carried with Alderman French abstaining.

**ITEMS FROM THE MAYOR**

Public Works Director Jablonski reported that J & D Precast manufactures a manhole that does not meet standards. The company has approached the Public Works Department with a request to use the manholes they manufacture on City projects. Jablonski explained the manhole specifications require that manholes meet ASTM Standards and South Dakota DOT certification. Since the manholes offered did not meet those standards, the manufacturer was referred to the DARB; who recommended that the certification from the South Dakota DOT be obtained. He explained that staff worked with J & D Precast to get that certification; but after some effort, it was discovered the SDDOT does not offer certification for manholes. The SDDOT will certify manholes for specific projects, but not in general. Jablonski offered the following resolution: The City accept the manholes for inclusion in Rapid City projects, with the stipulation that a Professional Engineer review the plant process every six months to insure the ASTM Standards are met, as closely as possible; and submit that report to the Engineering Division. Johnson moved, second by Kroeger to accept staff recommendation to include manholes manufactured by J & D Precast on City projects, with the stipulation outlined by staff. Motion carried.

**ITEMS FROM COUNCIL MEMBERS/LIAISON REPORTS**

The Mayor presented No. PW020105-20, proceed with the installation of a traffic signal at Soo San Drive/Range Road intersection; and identification of funding source. Alderman Hurlbut reported there is a Resolution indicating this intersection should be signalized. He reported asking staff to work with the State to do some computer modeling on what effect a light would have on traffic. Hurlbut moved, second by Johnson to continue the Soo San Drive/Range Road traffic signal to the March 7, 2005 Council meeting. Alderman Chapman reported the Safe Streets Initiative Task Force is looking at traffic signalization across the City, and believed it unfair to this group to not allow them enough time to complete their task. Alderman French commented on the requests for this signal. Alderman Johnson indicated he wanted all the recommendations before acting to install a signal. Substitute motion was made by Johnson to continue the Soo San Drive/Range Road traffic signal to the April 4, 2005 Council meeting. Second by Waugh. Tonchi Weaver expressed her disappointment in the continuation of this request for a signal, and reported the number of interested persons supporting the request for this signal. Motion carried with French voting NO.

Alderman Olson reported Black Hills Visions, a program encouraging a technology corridor north and south along the Black Hills, has reached their goal of investment of \$3 Million.

Responding to a concern from Alderman Hadley on the landfill odor from the co-composting facility and problems with a bird population, Solid Waste Operations Division Manager Wright reported efforts are being made to minimize the odor being generated by the organic process. An air collection system was installed to address the odor, and the moisture content in the organics was adjusted. He reported the problem exists in the secondary, and the City should consider an enclosure. Alderman Johnson supported staff recommendation on enclosing the secondary; and asked staff to bring forward recommendations for the Council's review. Wright reported a serious population problem with Starlings at the landfill. When this issue became apparent, the SDDENR was contacted and they referred City staff to the US Fish & Wild Life

Service, who referred City staff the Federal USDA. Wright explained that a Bird-X Sound System was installed, when it failed, another system was installed. Wright indicated that poisoning was discussed; but this can not be considered unless the landfill operation was considered an agriculture processing unit. He suggested an ordinance recently adopted by the Council could give the City authority to shoot the birds. He reported the natural predators of the Starlings are falcons and hawks; but when the predators are not in the vicinity, the Starlings return. Alderman Johnson suggested the City could farm the land; and if the City could designate the landfill for shooting, someone might be interested in providing the service. Responding to comments from Alderman Kooiker on blowing trash and trees, Wright explained the litter problem is addressed aggressively; seventy-eight trees were planted last year; and a berm will be built along the east side of the landfill to minimize exposure to Hwy 79. Alderman Kooiker reported comments about the relocation of the landfill. Wright responded that relocating the landfill is always possible, but it is a matter of cost. He reported this facility has been in place since 1960 with objected life of another fifty years. He suggested the standards for operating the landfill will need to increase as the City's population moves closer to the landfill. Kooiker moved, second by Johnson to refer the landfill odor control, bird problem, and building enclosure to the March 15, 2005 Public Works Committee meeting. Motion carried.

At the request of Alderman Kooiker, Finance Officer Preston reported the 2005 Municipal Election is June 7, 2005; the first day to begin circulating petitions is March 1<sup>st</sup> and deadline for filing those petitions is April 5<sup>th</sup>; the City will oversee the municipal election; and petitions are available in the City Finance Office.

#### **CONTINUED ITEMS CONSENT CALENDAR** – Items 6-35

Johnson moved, second by Hurlbut and carried to continue the following items as indicated.

#### Continue the following items until March 7, 2005:

6. No. 03PL045 - A request by Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz for a **Preliminary and Final Plat** on Lots A and B of Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1903 North Maple Avenue.
7. No. 03PL063 - A request by Fisk Land Surveying and Consulting Engineers for Dakota Land Development for a **Final Plat** on Lots 1 thru 3, Vista Lake Subdivision #2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 and a portion Lot F-1 of the Fish Hatchery Subdivision, located in the NE1/4 SW1/4 and the N1/2 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Jackson Boulevard north of the Fish Hatchery.
8. No. 04CA060 - A request by the 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 US Highway 16B

(Catron Boulevard), north of Spring Creek Road, east of US Highway 16 and west of SD Highway 79.

9. No. 04FV014 - A request by Michael Altstiel for a **Fence Height Exception to allow a six foot fence in the front yard setback** on Lot 1, Block 1, Mall Ridge Subdivision No. 2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 504 Lion Drive.
10. No. 04PL044 - A request by Sperlich Consulting Inc. for Walgar Development for a **Layout and Preliminary Plat** on Lot 2 of Block 1, Minnesota Park Subdivision, located in the SW1/4 of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Wisconsin Avenue and East Minnesota Street.
11. No. 04PL146 - A request by Centerline, Inc. for 3 T's Land Development LLC for a **Preliminary Plat** on Lots 11 thru 16 and Lots 31 thru 42, Minnesota Ridge Heights Subdivision, located in the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion and Tract R of NW1/4 SW1/4 located in the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located 0.75 miles west of Fifth Street and Minnesota Avenue.
12. No. 04PL148 - A request by Davis Engineering for a **Preliminary Plat** on Lots 10 thru 13, Block 3; Lots 9 thru 15, Block 4; Lots 2 thru 7, Block 5; Lot 1, Block 8; Lots 2, Block 10; Lots 2 thru 5, Block 11; all located in Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 less Murphy's Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on Longview Drive to the east of Reservoir Road.
13. No. 04PL190 - A request by Wasteline, Inc. for Century Resources for a **Preliminary Plat** on Lot 4 of Block 1, and Lots 1 thru 3 of Block 2, Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4, Section 32, T2N, R8E BHM, Rapid City, Pennington County, South Dakota, located at 1705 East Anamosa Street.
14. No. 04PL191 - A request by Fisk Land Survey & Consulting Engineers for Donald Potts for a **Preliminary Plat** on Lot 1 and Lot 2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4 less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 6105 Covenant Drive.
15. No. 04PL192 - A request by Fisk Land Surveying & Consulting Engineers for a **Preliminary Plat** on Lot 3A revised and Block 11 of Fairway Hills Planned Residential Development, legally described as a tract of land located in the North One-Half of the Southwest One-Quarter (N $\frac{1}{2}$  SW $\frac{1}{4}$ ) and in the Southwest One Quarter of the Northwest One-Quarter (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section Fifteen (15), Township One North (T1N), Range

Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the southeast corner of Lot 29R of Fairway Hills P.R.D., as shown on the plat filed on February 17, 1984 and recorded in Plat Book 19 on Page 124, said corner being marked by a rebar with survey cap number 3095; thence, South 73 degrees 09 minutes 46 seconds East, more or less, a distance of 4.84 feet more or less, to a point along the westerly edge of Fairway Hills Drive right-of-way, as shown on the plat filed on March 10, 1986 and recorded in Plat Book 20 on Page 224, said corner being marked by a rebar with survey cap number 6565; thence, southerly and along the westerly edge of said Fairway Hills Drive right-of-way, South 16 degrees 50 minutes 14 seconds West, more or less, a distance of 160.90 feet, more or less to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 96.87 feet, a delta of 17 degrees, 55 minutes, 27 seconds, an arc length of 30.30 feet, a chord bearing of South 25 degrees 58 minutes 25 seconds West, more or less, and a chord distance of 30.18 feet, more or less, to a point of tangent on the westerly edge of said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way, South 34 degrees 46 minutes 00 seconds West, more or less, a distance of 496.97 feet, more or less to a point of curvature on said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northwesterly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 151.11 feet, a delta of 91 degrees 35 minutes 13 seconds, an arc length of 241.55 feet, a chord bearing of South 80 degrees 36 minutes 45 seconds West, more or less, and a chord distance of 216.64 feet, more or less, to a point of tangent along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, North 53 degrees 37 minutes 38 seconds West, more or less, a distance of 69.36 feet, more or less, to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way and curving to the left on a curve with a radius of 230.00 feet, a delta of 4 degrees, 41 minutes 57 seconds, an arc length of 18.86 feet, a chord bearing of North 56 degrees 09 minutes 17 seconds West, more or less and a chord distance of 18.86 feet, more or less, to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, as shown on the plat filed September 22, 2004 and recorded in Plat Book 32 on page 94, and curving to the left on a curve with a radius of 230.00 feet, a delta of 16 degrees 30 minutes 34 seconds, an arc length of 66.27 feet, a chord bearing of North 66 degrees 39 minutes 30 seconds West, more or less and a chord distance of 66.04 feet, more or less to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point also being the southeast corner of Lot 16 of Block 10 of Fairway Hills PRD, as shown on the aforementioned plat, said point being marked by a rebar with survey cap number 6565; thence, northeasterly along the easterly line of said Lot 16 in Block 10 of Fairway Hills PRD, North 14 degrees 38 minutes 21 seconds East, more or less, a distance of 102.58 feet, more or less, to the northeast corner of said Lot 16, said corner being coincident with the southeast corner of Lot 15 of Block 10 of Fairway Hills PRD, and said corner being marked by a rebar with survey cap number 6565; thence, northeasterly along the

easterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, North 14 degrees 38 minutes 21 seconds East, more or less, a distance of 83.44 feet, more or less to a point on the easterly lot line of said Lot 15, said point being marked by a rebar with survey cap number 6565; thence, northwesterly along the northeasterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, North 25 degrees 09 minutes 50 seconds West, more or less, a distance of 132.38 feet, more or less to the northerly corner of said Lot 15, said corner being coincident with the northeast corner of Lot 14 of Block 10 of Fairway Hills PRD and also coincident with the southeast corner of Lot 3B of Fairway Hills PRD, as shown on the plat filed July 9, 1980 and filed in plat Book 17, Page 189, and also coincident with the westerly lot line of Lot 3A of Fairway Hills PRD, as shown on the plat filed November 21, 1979 and recorded in Plat Book 17 on Page 132, said corner being marked by a rebar with survey cap number 1019; thence, northeasterly along the easterly lot line of said Lot 3B of Fairway Hills PRD and the westerly line of said Lot 3A of Fairway Hills PRD, North 17 degrees 55 minutes 58 seconds East, more or less, a distance of 191.15 feet, more or less, to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being marked by a rebar with survey cap number 6565; thence, northwesterly along the easterly lot line of said Lot 3B of Fairway Hills PRD and the westerly line of said Lot 3A of Fairway Hills PRD, North 20 degrees 01 minutes 18 seconds West, more or less, a distance of 326.69 feet, more or less to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being coincident with the southwest corner of Lot H1 of Lot 3A of Fairway Hills PRD as shown on the plat filed on August 30, 1991 and recorded in Book 8 of Highway Plats on Page 39, said corner being marked by a rebar with survey cap number 6565; thence, northeasterly along the southerly line of said Lot H1 of Lot 3A of Fairway Hills PRD, North 57 degrees 02 minutes 43 seconds East, more or less, a distance of 77.75 feet, more or less, to the southeasterly corner of said Lot H1 of Lot 3A, said point also being located on the northeasterly lot line of said Lot 3A of Fairway Hills PRD and also on the southwesterly line of Lot 2 of Fairway Hills PRD, as shown on the plat filed on November 30, 1977 and recorded in Plat Book 15 of Page 215; said corner being marked by a rebar with survey cap number 6565; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southwesterly line of said Lot 2 of Fairway Hills PRD, South 22 degrees 24 minutes 27 seconds East, more or less, a distance of 100.94 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 3095; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southwesterly line of said Lot 2 of Fairway Hills PRD, South 40 degrees 29 minutes 56 seconds East, more or less, a distance of 133.62 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 1019; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southerly line of said Lot 2 of Fairway Hills PRD, South 76 degrees 54 minutes 53 seconds East, more or less, a distance of 221.11 feet, more or less, to a point on the northeasterly lot line of said Lot 3A, said point being coincident with the southeast corner of said Lot 2 of Fairway Hills PRD and also coincident with the westerly line of Lot 30 of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and recorded in Plat Book 19 on page 124, said point being marked by a rebar with survey cap number 1019; thence, southerly along the easterly line of said Lot 3A of Fairway Hills PRD and along the westerly line of said Lot 30 of Fairway Hills PRD, South 08 degrees 05 minutes

24 seconds East, more or less, a distance of 102.89 feet, more or less, to a point on the easterly line of said Lot 3A, said point being coincident with the southwest corner of said Lot 30, said point being marked by a rebar with survey cap number 3095; thence, northeasterly along the southerly line of said Lot 30 of Fairway Hills PRD, North 76 degrees 46 minutes 01 seconds East, more or less, a distance of 105.59 feet, more or less to the southeast corner of said Lot 30, said corner also being coincident with the southwesterly corner of Lot 29R of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and filed in Page Book 19 and Page 124, said corner being marked by a rebar with survey cap number 3095; thence, easterly along the southerly lot line of said Lot 29R of Fairway Hills PRD, North 76 degrees 42 minutes 20 seconds East, more or less, a distance of 161.03 feet, more or less, to a point on the southerly lot line of said Lot 29R, said point being marked by a rebar with survey cap 3095; thence, easterly along the southerly lot line of said Lot 29R of Fairway Hills PRD, North 87 degrees 22 minutes 22 seconds East, more or less, a distance of 66.97 feet, more or less, to the point of beginning. Said tract of land contains 8.00 acres, more or less, located west of Fairway Hills Drive and east of Sheridan Lake Road.

16. No. 04PL194 - A request by Sperlich Consulting, Inc. for Dennis Zandstra for a **Layout and Preliminary Plat** on Jolly Lane Right-of-Way extended south to section line, legally described as a portion of Tract 1 of Elks Country Estates, located in the SE1/4, of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Jolly Lane.
17. No. 04PL196 - A request by Davis Engineering, Inc. for Don and Cherril Brown for a **Preliminary Plat** on Lot 1 thru 5 of Tract SB revised of Springbrook Acres Subdivision located in SW1/4 NE1/4, and NW1/4 SE1/4, and SE1/4 NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract SB revised of Springbrook Acres Subdivision located in SW1/4 NE1/4, and NW1/4 SE1/4, and SE1/4 NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Estates Drive.
18. No. 04PL210 - A request by Sperlich Consulting Inc. for Gordon Howie for a **Layout and Preliminary Plat** on a portion of Tract T of Trailwood Village, located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 3 of Block 22, Trailwood Village, Thence, S00°03'09"W, a distance of 346.91 feet to the northeasterly corner of the boundary, and the Point of Beginning; Thence, first course: S00°05'47"W, a distance of 317.18 feet, to the southeasterly corner of said boundary; Thence, second course: S89°49'52"W, a distance of 227.28 feet, to the southwesterly corner of said boundary; Thence, third course: N00°04'24"W, a distance of 199.81 feet, to the northerly corner of said boundary; Thence, fourth course: N65°25'59"W, a distance of 24.18 feet, to the northwesterly corner of said boundary; Thence, fifth course: N00°04'24"E, a distance of 35.04 feet, to the northerly corner of said boundary; Thence, sixth course: S89°55'36"E, a distance of 40.00 feet, to the northeasterly corner of said boundary; Thence, seventh course: N00°04'24"E, a distance of 73.27 feet, to the northerly corner of said boundary; Thence, eighth course: S89°55'36"E, a distance of 209.43 feet, to the northeasterly corner of said boundary, and the Point of Beginning, said parcel contains

- 1.460 acres more or less, located at the northwest corner of the intersection of Long View Road and Reservoir Road.
19. No. 04PL211 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1-3, Block 1, Buehner Subdivision located in the W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota, located at the current southern terminus of Limelight Lane.
  20. No. 04SE002 - A request by Daniel and Lori Smith for an **Exception to the Street Design Criteria Manual to allow access from a higher order street** on Lot 2 of Block 13, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1802 Valentine Street.
  21. No. 04SV080 - A request by Sperlich Consulting Inc. for Gordon Howie for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement and to waive the requirement to provide a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code** on a portion of Tract T of Trailwood Village, located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 3 of Block 22, Trailwood Village, Thence, S00°03'09"W, a distance of 346.91 feet to the northeasterly corner of the boundary, and the Point of Beginning; Thence, first course: S00°05'47"W, a distance of 317.18 feet, to the southeasterly corner of said boundary; Thence, second course: S89°49'52"W, a distance of 227.28 feet, to the southwesterly corner of said boundary; Thence, third course: N00°04'24"W, a distance of 199.81 feet, to the northerly corner of said boundary; Thence, fourth course: N65°25'59"W, a distance of 24.18 feet, to the northwesterly corner of said boundary; Thence, fifth course: N00°04'24"E, a distance of 35.04 feet, to the northerly corner of said boundary; Thence, sixth course: S89°55'36"E, a distance of 40.00 feet, to the northeasterly corner of said boundary; Thence, seventh course: N00°04'24"E, a distance of 73.27 feet, to the northerly corner of said boundary; Thence, eighth course: S89°55'36"E, a distance of 209.43 feet, to the northeasterly corner of said boundary, and the Point of Beginning, said parcel contains 1.460 acres more or less, located at the northwest corner of the intersection of Long View Road and Reservoir Road.
  22. No. 04SV081 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Limelight Lane and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1-3, Block 1, Buehner Subdivision located in the W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as the W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota, located at the current southern terminus of Limelight Lane.
  23. No. 04VR013 - A request by Fisk Land Surveying & Consulting Engineers for Donald Potts for a **Vacation of a portion of undeveloped section line right-of-way** in the

SW1/4, SW1/4, SE1/4 and SE1/4, SW1/4, SE1/4, less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 6105 Covenant Drive.

24. No. 05CA001 - A request by Centerline, Inc. for PLM Land Development LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on an 88 acre parcel of land from Planned Residential Development with one dwelling unit per 2 acres to Planned Residential Development with 1.5 dwelling units per acre** on property described by metes and bounds as commencing from the Point of Beginning, the northwest corner of Section 24, T1N, R7E, BHM, an original stone found in place: thence N00°03'48.2"E - 1235.74 feet to a Wendland cap, thence along the southern boundary of Minnesota Ridge Heights Subdivision S89°36'58.5"E - 1318.26 feet to a Wendland cap, thence S00°01'15"W - 575.88 feet to a Davis cap, thence S00°00'53.4"W - 658.09 feet to a Davis cap, thence S89°40'07.7"E to a calculated pint, thence S16°51'46.5"W - 1075.77 feet to the back corner of Lots 3 and 4 in Block 2 of Eastridge Estates Subdivision, thence N89°42'39"W - 857.20 feet along said boundary of Eastridge Estates Subdivision, thence N88°31'55"W - 119.66 feet thence N72°48'55"W - 440.87 feet, thence S26°29'59.8"W - 225.54 feet, thence around a left hand curve with a delta of 9°18'41.2", a radius of 326.00 feet and a length of 52.98 feet, a chord bearing of S68°09'34"E and a chord distance of 52.92 feet, thence S17°11'05"W - 559.84 feet to the southwest corner of Lot 15, Block 1 of Eastridge Estates Subdivision, thence N89°42'39"W - 214.91 feet to a Renner cap, thence N00°04'36.6"E - 1658.97 feet along the Section Line to the point of Beginning, all located in the SW1/4 of Section 13; and, the N1/2 of Section 24, all located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of Fifth Street and Enchanted Pines Drive.
25. No. 05PL005 - A request by Jim Hansen for Premier Homes, Inc. for a **Preliminary Plat** on Lot 27A, 27B and 27C of Twilight Hills Subdivision located in SE1/4 SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 27 of Twilight Hills Subdivision located in the SE1/4 SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of Meadow Lane Court and Meadow Lane.
26. No. 05PL009 - A request by FMG Engineering for Belgarde Enterprises for a **Layout Plat** on Lot 1 of Stoney Creek South No. 2 Subdivision, located in the E1/2 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the E1/2 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Catron Boulevard and Nugget Gulch Road.
27. No. 05PL011 - A request by Sperlich Consulting, Inc. for Gordon Howie for a **Preliminary Plat** on Lots 10 thru 14 of Block 23, and Lots 20 thru 22 of Block 21, Trailwood Village, located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village, located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota; more fully described as follows: Commencing at the southwesterly corner of Lot 19 of Block 21 of Trailwood Village and the Point of Beginning; Thence, first course: S52°28'47"E, along the southerly boundary of said Lot 19 of Block 21, a distance of 95.00 feet, to a corner common to Lots 17, 18, and 19 of Block 21 of Trailwood Village; Thence, second course:

S37°31'13"W, along the westerly boundary of Lots 16 and 17 of Block 21 of Trailwood Village, a distance of 194.68 feet, to the southwesterly corner of said Lot 16 of Block 21, common with a corner on the northerly boundary of Drainage Lot B of Trailwood Village; Thence, third course: N77°34'10"W, along the northerly boundary of said Drainage Lot B of Trailwood Village, a distance of 71.19 feet; Thence, fourth course: N47°53'06"W, along the northerly boundary of said Drainage Lot B of Trailwood Village, a distance of 59.37 feet; Thence, fifth course: N01°05'13"W, along the northerly boundary of said Drainage Lot B of Trailwood Village, a distance of 82.32 feet; Thence, sixth course: westerly, along the northerly boundary of said Drainage Lot B of Trailwood Village, curving to the right on a curve with a radius of 124.50 feet, a delta angle of 20°55'57", an arc length of 45.48 feet, a chord bearing of N62°56'45"W, and chord distance of 45.23 feet, to a point of tangent; Thence, seventh course: N52°28'47"W, along the northerly boundary of said Drainage Lot B of Trailwood Village, a distance of 48.46 feet, to a point of curve; Thence, eighth course: westerly, along the northerly boundary of said Drainage Lot B of Trailwood Village, curving to the left on a curve with a radius of 30.00 feet, a delta angle of 73°35'58", an arc length of 38.54 feet, a chord bearing of N89°16'46"W, and chord distance of 35.94 feet, to a point of reverse curve; Thence, ninth course: westerly, along the northerly boundary of said Drainage Lot B of Trailwood Village, curving to the right on a curve with a radius of 55.00 feet, a delta angle of 128°53'22", an arc length of 123.72 feet, a chord bearing of N61 38'04"W, and chord distance of 99.24 feet; Thence, tenth course: N87°11'23"W, along the northerly boundary of said Drainage Lot B of Trailwood Village, a distance of 23.79 feet; Thence, eleventh course: N52°26'30"W, along the northerly boundary of said Drainage Lot B of Trailwood Village, a distance of 85.14 feet, to the southeasterly corner of Lot 9 of Block 23 of Trailwood Village; Thence, twelfth course: N23°50'26"E, along the easterly boundary of said Lot 9 of Block 23, a distance of 109.27 feet, to a corner common to Lots 8 and 9 of Block 23 of Trailwood Village; Thence, thirteenth course: N37°31'13"E, along the easterly boundary of said Lot 8 of Block 23 of Trailwood Village, a distance of 93.64 feet, to a corner common to Lots 5, 6, and 8 of Block 23 of Trailwood Village; Thence, fourteenth course: S52°28'47"E along the southerly boundaries of Lots 1 through 5 of Block 23 of Trailwood Village, a distance of 381.25 feet, to the southeasterly corner of said Lot 1 of Block 23, common with the southwesterly corner of the right-of-way of Benjamin Street; Thence, fifteenth course: S52°28'47"E, along the southerly end of the right-of-way of said Benjamin Street, a distance of 49.00 feet, to the southeasterly corner of the right-of-way of said Benjamin Street; Thence, sixteenth course: N37°31'13"E, along the easterly edge of the right-of-way of said Benjamin Street, a distance of 15.00 feet, to the southwesterly corner of said Lot 19 of Block 21 of Trailwood Village, and the Point of Beginning, all located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located along Benjamin Street.

28. No. 05SV001 - A request by Jim Hansen for Premier Homes, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Meadow Lane and to waive the requirement to install sidewalk and water along Meadow Lane Court as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 27A, 27B and 27C of Twilight Hills Subdivision located in SE1/4 SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 27 of Twilight Hills Subdivision located in the SE1/4 SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of Meadow Lane Court and Meadow Lane.

29. No. 05SV002 - A request by Sperlich Consulting, Inc. for Jim Letner for a **Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk and planting screen easement along Creek Drive; to waive the requirement to install additional pavement and planting screen easement along East St. Patrick Street; and, to waive the requirement to install sidewalk along East St. Charles Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 5, Park Meadows Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Lot 3 of Tract D located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1720 East St. Patrick Street.
30. No. 05SV004 - A request by FMG Engineering for Belgarde Enterprises for a **Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter and sidewalk along Catron Boulevard as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Stoney Creek South No. 2 Subdivision, located in the E1/2 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as on that part of the E1/2 of the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a rebar with survey cap marked "1019" at the Center-South-South 1/64 corner of Section 22; thence S00°12'36"E, 152.63 feet to a point; thence West, 726.50 feet to a point; thence N64°41'13"W, 267.41 feet to a point; said point being the intersection with a non-tangent curve, the radius point of said curve bears S53°20'07"W, 226.00 feet from said intersection, said curve having a central angle of 16°17'27"; thence Northwesterly, 64.26 feet along arc of said curve, said curve having a chord bearing of N44°48'37"W, and chord distance of 64.04 feet, to a point of tangency; thence N52°57'20"W, 189.40 feet to a point; said point being the point of curvature of a curve to the right having a central angle of 52°57'20" and radius of 174.00 feet; thence Northwesterly and Northerly, 160.82 feet along arc of said curve, said curve having a chord bearing of N26°28'40"W, and a chord distance of 155.16 feet, to a point of tangency; thence North, 187.01 feet to a point; said point being the intersection with a non-tangent curve, the point of said curve bears N04°15'00"W, 92.00 feet from said intersection, said curve having a central angle of 35°45'00"; thence Easterly and Northeasterly, 57.40 feet along arc of said curve, said curve having a chord bearing of N67°52'30"E, and a chord distance of 56.48 feet, to a point of tangency; thence N50°00'00"E, 64.59 feet to a point; said point being the point of curvature of a curve to the right having a central angle of 10°02'46" and radius of 208.00 feet; thence Northeasterly, 36.47 feet along arc of said curve, said curve having a chord bearing of N55°01'23"E, and a chord distance of 36.42 feet, to a point; thence North, 173.49 feet to a point; thence East, 550.47 to a point; thence N26°24'26"E, 82.06 feet to a point on the south Right-Of-Way line of Catron Boulevard; thence S63°35'34"E, 317.69 feet along the south Right-Of-Way line of Catron Boulevard to a 5/8" rebar; said rebar being the intersection with a non-tangent curve, the radius point of said curve bears S26°24'37"W, 2230.97 feet from said intersection, said curve having a central angle of 6°46'27"; thence Southeasterly, 263.77 feet along arc of said curve, said curve having a chord bearing of S60°12'09"E, and a chord distance of 263.62 feet, to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119", said rebar being on the south Right-Of-Way line of Catron

Boulevard; thence S00°08'29"E, 505.50 feet to a rebar with survey cap marked "1019" at the Center-South-South 1/64 corner of Section 22 at the point of beginning; all located within the E1/2 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Catron Boulevard and Nugget Gulch Road.

Continue the following items until March 21, 2005:

31. No. 04PL154 - A request by Hewey Clemmons for a **Layout Plat** on Lots 1 thru 3 less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 5680 South Highway 79.
32. No. 04SV062 - A request by Hewey Clemmons for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to provide additional pavement, along SD Highway 79 and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along SD Highway 79 and to reduce the right-of-way width from 59 feet to 20 feet for the interior street and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the interior street as per Chapter 16.16 of the Rapid City Municipal Code** on Lot B less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 5680 South Highway 79.

Continue the following items until April 4, 2005:

33. No. 04CA069 - A request by Dan McFarland for Jeff and Patty Griffith for an **Amendment to the Comprehensive Plan to change the future land use designation on a .48 acre parcel of land from Low Density Residential to Low Density Residential-II** on Lots 1 and 2, Block 85, Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in the northeast corner of the intersection of MacArthur Street and Wood Avenue.
34. No. 05PL010 - A request by Sperlich Consulting Inc. for Thomas Gagliano for a **Preliminary Plat** on Lots 8A, 8B and 9R, Block 2, Skyline Pines Subdivision, and a portion of the dedicated right-of-way of Sandstone Lane, located in the SE1/4 of the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 8 and 9, Block 2, Skyline Pines Subdivision, located in the SE1/4 of the SW1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1501 Pevans Parkway and 3289 Sandstone Lane.
35. No. 04RZ064 – Second Reading, **Ordinance No. 5021**, a request by Dan McFarland for Jeff and Patty Griffith for a **Rezoning from Low Density Residential District to Low Density Residential-II District** on Lots 1 and 2, Block 85, Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in the northeast corner of the intersection of MacArthur Street and Wood Avenue.

End of Continued Items Consent Calendar

**ALCOHOLIC BEVERAGE LICENSE APPLICATIONS**

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

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

Off-Sale Package Liquor License

36. LeRoy S. Gross dba **Autumn Hills Plaza Liquor**, 5312 Sheridan Lake Road, Suite 103, for an Off-Sale Package Liquor License

On-Sale Retail Liquor License Transfer

37. Jason Cox, SKS Productions dba **Venue 8**, 504 Mt. Rushmore Road, for an On-Sale Retail Liquor License Transfer from High Plains Securities dba **The Reef**

Special Malt Beverage and Wine License

38. **Rapid City Area Chamber of Commerce** for a Special Malt Beverage and Wine License for use on March 8, 2005 at Dacotah Bank, 125 Main Street
39. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on February 25, 2005 at Dahl Arts Center, 713 7<sup>th</sup> Street
40. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on February 26, 2005 at Dahl Arts Center, 713 7<sup>th</sup> Street
41. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on March 6, 2005 at Dahl Arts Center, 713 7<sup>th</sup> Street
42. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on April 8, 2005 at Dahl Arts Center, 713 7<sup>th</sup> Street
43. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on May 7, 2005 at Dahl Arts Center, 713 7<sup>th</sup> Street
44. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on July 8, 2005 at Dahl Arts Center, 713 7<sup>th</sup> Street
45. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on September 23, 2005 at Dahl Arts Center, 713 7<sup>th</sup> Street
46. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on December 9, 2005 at Dahl Arts Center, 713 7<sup>th</sup> Street

Chapman moved, second by Waugh and carried, and the Finance Officer was directed to publish notice of hearing on the following application, said hearing to be held as follows:

***Set for Hearing (March 7, 2005)***Off-Sale Package Liquor License

47. Timothy E. and Steven Smith dba **Smith's Liquor Gallery**, 2218 Jackson Blvd., Suite #1 for an Off-Sale Package Liquor License

On-Off Sale Malt Beverage Retail License

48. Habaneros of Texas, Inc. dba **Hotexas BBQ**, 5412 South Highway 16 for an On-Off-Sale Malt Beverage Retail License

***Set for Hearing (April 18, 2005)***

Off-Sale Package Liquor License Revocation

- 48.A. Patricia Weaver dba **Gas 'N' Snax**, 418 Knollwood Drive for an Off-Sale Package Liquor License

**CONSENT CALENDAR ITEMS** – 49-89

The following items were removed from the Consent Calendar:

50. Approve the funding expenditure to recarpet City/School Administration Center 1<sup>st</sup> and 2<sup>nd</sup> floor hallway carpeting.
71. No. LF021605-23 Approve Travel Request for Ken Simmons, Craig Uhre, Jerry Brown, Jerry Mitchell, and Bert Corwin to attend 77<sup>th</sup> Annual AAAE Conference and Exposition in Seattle, WA, from April 30, 2005 through May 5, 2005, in an approximate amount of \$11,974.
74. No. LF021605-07 Approve City of Rapid City General Harassment Policy.

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

***Set for Hearing (March 21, 2005)***

49. No. 05VR001 - A request by Fisk Land Surveying and Consulting Engineers for Donald Potts to consider an application for a Vacation of Section Line Right-of-Way on Lots 1 and 2 of Utility Subdivision and NW1/4 NE1/4, Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Haugo Drive and Catron Boulevard

***Public Works Committee Consent Items***

51. No. CC020705-01 Approve the bid award for Automated Solid Waste Collection Containers for Solid Waste Operations to the lowest bidder meeting specifications, Otto Environmental Systems, for the low unit prices bid, for a total contract amount of \$42,212.50.
52. No. PW021505-02 Approve the bid award for Water Reclamation Facility digester boiler repairs to RW Rice for \$23,442.00.
53. No. PW021505-03 Approve Change Order No. A-02 for the Public Safety Building Improvements to RCS Construction, Inc. for an increase of \$9,977.00.
54. No. PW021505-04 Authorize staff to advertise for bids for Water Meter Transceiver Unit (MXU) for the Water Division.
55. No. PW021505-05 Authorize staff to advertise for bids for two (2) digester vertical dry pit sludge chopper pumps for Water Reclamation Division.
56. No. PW021505-06 Authorize staff to advertise for bids for West Chicago Street Reconstruction, 44<sup>th</sup> Street to Seeaire Street Project No. ST01-1071; CIP #50137.

57. No. PW021505-07 Authorize Mayor and Finance Officer to sign Perpetual Right of Way Easement with Black Hills Power and Light for property located in Tract 17 Less Lot H1 Rapid City Greenway Tract, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota.
58. No. PW021505-08 Authorize Mayor and Finance Officer to sign Agreement with FMG, Inc. for the 2005 Private Utility Trench Compaction Testing, Project No. W05-1459; CIP #50586 for an amount not to exceed \$9,980.00.
59. No. PW021505-10 Authorize Mayor and Finance Officer to sign sanitary sewer main extension and connection Agreement with Robert J. Pesek
60. No. PW021505-11 Authorize Mayor and Finance Officer to sign water main extension and connection Agreement with Robert J. Pesek
61. No. PW021505-12 Authorize staff to solicit Requests for Proposals for Engineering Services for Project ST04-1078 – Lombardy Drive Reconstruction, CIP #50133.
62. No. PW021505-13 Authorize staff to solicit Requests for Proposals for Consultant Services for the Project No. ST04-1362 - Van Buren Street and Utilities Reconstruction, CIP #50149.
63. No. PW021505-14 Authorize staff to solicit Requests for Proposals for Engineering Services for Project No. ST04-1063 – Sedivy Lane Reconstruction, CIP #50125.
64. No. PW021505-15 Authorize staff to solicit Requests for Proposals for Engineering Services for Project ST04-1363 – Franklin Street Reconstruction, CIP #50310.
65. Acknowledge report on status of the trial period of the South and the North Rapid Ride Connector Routes

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

66. No. LF021605-01 Authorize staff to initiate negotiations to expand lease area for Community Alternatives of the Black Hills at 5025 South Highway 79.
67. Approve the appointment of Nancy Hovdenes, Eileen Rossow, Doug Hamilton, Peg Seljeskog, and Julie Lein to the Museum Alliance of Rapid City Board of Directors, with terms to expire in 2008.
68. No. LF021605-04 Approve Travel Request for City Department Head Training and Planning Meeting to be held March 3-4, 2005, in Deadwood, South Dakota.
69. No. LF021605-05 Authorize Mayor and Finance Officer to sign Contract with New World for Police/Fire Information System.
70. No. LF021605-19 Approve Travel Request for Greta Chapman, Ed Hughes, Monte Loos, Eric Abrahamson and Jim Olson to attend Thinking Ahead Symposium Library Trends in Salt Lake City, UTH, March 16-19, 2005, in an approximate amount of \$3,351.
72. No. LF021605-17 Approve Request for Proposal for Historic Preservation Commission Grant and selection process.
73. No. LF021605-06 Approve Employment and Supervision of Relatives Policy.
75. No. LF021605-08 Approve Resolution Designating Official Depositories.

**RESOLUTION DESIGNATING OFFICIAL DEPOSITORIES**

WHEREAS, Section 9-22-6, SDCL, as amended, requires the Governing Body to designate official depositories in which municipal funds may be deposited;

NOW, THEREFORE, BE IT RESOLVED that the following institutions be designated as official depositories for the City of Rapid City:

BankWest, Inc.

Dated this 21<sup>st</sup> day of February, 2005.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

- 76. Authorize staff to request 30 day extension for filing 2004 Annual Report.
- 77. No. LF021605-15 Approve Resolution Fixing Time and Place for Hearing on Assessment Roll for Property Cleanup.

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON  
ASSESSMENT ROLL FOR PROPERTY CLEANUP

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

- 1. The assessment roll for Property Cleanup was filed in the Finance Office on the 21<sup>st</sup> day of February, 2005. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, March 21, 2005 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
- 2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time and place of hearing thereon, that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
- 3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 21<sup>st</sup> day of February, 2005.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

- 78. No. LF021605-16 Approve Resolution to Amend the Temporary Pay Matrix.

RESOLUTION TO AMEND THE TEMPORARY PAY MATRIX

WHEREAS, the City of Rapid City hires temporary employees to perform a variety of tasks; and

WHEREAS, the Parks and Recreation Department employs Recreation Workers and Lifeguards with varying experience and skills; and

WHEREAS, the existing temporary pay matrix shall be amended to compensation the employees accordingly.

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the temporary pay matrix be revised as follows:

The existing position classification description of Recreation Worker shall be renamed Recreation Worker I and the wages are set at:

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
6.57	6.90	7.24	7.61	7.99	8.39	8.80	9.24

and a second level shall be added and named Recreation Worker II and wages set at:

9.71	10.19	10.70	11.23	11.80	12.39	13.01	13.66
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and;

the existing position classification description of Lifeguard shall be renamed Lifeguard I and the wages are set at:

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
6.26	6.57	6.90	7.25	7.61	7.99	8.39	8.81

and a second level shall be added and titled Lifeguard II and pay set at;

9.25	9.71	10.20	10.71	11.24	11.81	12.40	13.02
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Dated this 21<sup>st</sup> day of February, 2005.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

- 79. No. LF021605-20 Authorize Mayor and Finance Officer to sign Contract for Instruction for Principles of Supervision Class.
- 80. No. LF021605-18 Approve Travel Request for Brad Keizer to attend the 2005 North American Rink Conference & Expo in Chicago, IL, May 16-19, 2005, at an approximate cost of \$1,725.

81. No. LF021605-10 Approve request by Ken Gray, d/b/a Goofy Moose Ice Cream for vending license for 2005.
82. No. LF021605-11 Approve the following abatements: Cellular Inc., 2004, \$2,833.82; Cellular, Inc., 2004, \$2,681.96; R & R Realty, LLP, 2004, \$35.24.
83. Approve the following licenses: Mechanical Apprentice: Joseph Peck, Andy Crawford, Jeff Adam, Justin Burke, Mark Little, Anthony Kress, and Jeffrey Phelps; Mechanical Contractor: Ron Ronneberg, Ronneberg HVAC Inc.; Aaron Zimmiond, Z's Heating & Cooling; Jonathan C Gehlsen, Extreme Heating & Cooling; Roland W Fielder, Mike's Mobile Home Service; Chino Caekaert, A to Z Maintenance & Repair; and Steven M Street, Street Heating & Sheet Metal; Mechanical Installer: Pat Paulsen, Mark Bradley, Steven Armour, David Eccleston, Kent Eccleston, John B Thompson III, and Joseph Trusty; Residential Contractor: David or Patricia Karas, Karas Konstruktion; Paul Holt, Paul Holt Construction; Kelly & James Commet, Comet Homes; Michael D Swenson, DAZ Construction; and Jacqueline Ann Nettleton, Mountain Movers Construction Inc.; Electrical Apprentice: Chad Jensen, John Lees, Christopher See, Chad Cooper, Adam Daigle, Daniel Garland, Roy J Kottwitz, Riley Kotz, Dennis LaRoche, Shane Novotny, Robert Raker, Donald J Williamson, Douglas Williamson, Chris Phillips, Jesse Phillips, Ora Ogden Sr., Russell Kleinschnitz, Rick Trujillo, John Green, Jeremy Cook, Robert A Baker, Nathan Cole, Phillip Reausaw, Kenny Nelson, Andrew Arthur, Harlan Bossman, Monty Engel, Ronald Foster, Darrell Hernandez, Chad Jensen, Tim Kubo, Aaron Lillebo, Nathan Millard, Cody Minnerath, Patrick Mollman, Aaron Myers, Dustin Namanny, Paul Petrocco, Craig Thaler, Martin Trove, Travis Turbak, Eric Yockey, and Robert Champagne; Electrical Contractor & Master: Robert Clarke, Clarke Electric; Albert G Sutton, Al Sutton Electric; Donohue J Williamson, Wires "R" Us; Dave Phillips, PIE Inc.; Lee F Blanchard, RC Area School District; James E Plummer, American Electric; Barry Tolsma, Hilltop Electric Services Inc.; Robert C Kraft, Kraft Electric; and Michael "Mick" Nagel, Mick's Electric; Electrical Journeyman: Scott Clarke, Jeff Greothe, Joseph Wayne Kitchens, Donohue J Williamson, Marvin Harp, Michael Nichols, Michael Stewart, Doug Anderson, Dennis Peterson, Paul M Balderramos, Dana Gilbertson, Ronald Hamann, Christopher Larsen, Benjamin Doughty, Travis McKinstry, Richard Myers, Tyler Bayne, John Breckenridge, Shane Ellerton, James Gregory, Clint Hansen, Jerry Harp, Rick Harter, Rick Jensen, Craig Kratovil, Jon K Niemeyer, Brent Olson, Ben Petrocco, Mike Shorb, Jimmy L Steeves, Travis Swift, Les Thayer, Cody Warren, James Wilson, Jim Mosher, and Calvin Yockey; Electrical Master: Marlin Alt, Al Sutton Electric; Second Hand: Matt Kimball's Golf Shop, Matthew R. Kimball; Security Business: Ryan J. Hunter, Ram Security & Patrol; Vance A. Olson, Ole Olson Security; Trenching Journeyman: Ron Hazen, Chris Keyworth, Jay Travis; Beka Corporation; Sewer & Water Journeyman: Irvin "Bear" Herman; Lind-Exco; Trenching Contractor: Ryan Kaski, Kaski Homes; Trenching Journeyman: Dean Williamson.

***Growth Management Department Consent Items***

84. No. 04PL177 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1A thru 5A, 1B thru 5B, 1C thru 5C, and 2D thru 4D Block 21, and Lots 1A thru 5A, 1B thru 5B, 1C thru 5C, and 2D thru 4D Block 22, all located in SE1/4, NW1/4, of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of S1/2 Government Lot 3, Less Big Sky Subdivision and Less right-of-way; S1/2 Government Lot 4, located at the intersection of Degeest and Homestead. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary

Plat approval by the City Council, an erosion and sediment control plan for all improved areas shall be submitted for review and approval; 2. Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval. In particular, the plan shall address drainage from the area west of the subject property and the plat document shall be revised to provide drainage easements as necessary. In addition, the drainage plan shall account for water quality enhancement or improvements and shall demonstrate that drainage flows to Homestead Street do not exceed the Drainage Criteria Manual Standards; 3. Prior to Preliminary Plat approval by the City Council, the plat shall be revised to provide a minimum 3,500 square foot lot size for each townhome lot or an Initial and Final Planned Residential Development shall be approved reducing the minimum required lot size from 3,500 square feet to 3,049 square feet; 4. 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; 5. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted showing the extension of a water main across Berniece Street to an existing water main located on the north side of the street or a Variance to the Subdivision Regulations must be obtained; 6. Prior to Preliminary Plat approval by the City Council, road construction plans for the west 20 feet of Homestead Street shall be submitted for review and approval. In particular, the road construction plans shall show the construction of a minimum 40 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 7. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 8. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a 50 foot non-access easement along the east lot line of Lot 1A and 5C of Block 21 and along the west lot line of Lot 1A and Lot 5C of Block 22 or an Exception to the Street Design Criteria Manual shall be obtained to reduce the separation between an intersection and a driveway approach; 9. All Uniform Fire Code shall be continually met; 10. Prior to submittal of a Final Plat application, the plat document shall be revised to provide a six foot exterior maintenance easement on either side of a common lot line to provide adequate room for maintenance, repair and alterations; 11. Prior to submittal of a Final Plat application, the plat document shall be revised eliminating "Replat" from the plat title. In addition, the plat title shall be revised to clarify whether it is Tract 1 (one) or Tract I (eye); 12. Prior to submittal of a Final Plat application, the plat document shall be revised to show the labeling of Block 21 and Block 22 within the proposed lot area of the plat; and 13. 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.)

85. No. 04PL195 - A request by Gary and Donna Kluthe for a **Preliminary Plat** on Lots 1 thru 25 of Bridle Path Estates, Section 36, T1N, R6E, BHM, Pennington County, South Dakota, legally described as SE1/4 NE1/4 and NE1/4 NE1/4 lying south of County Road #C228 (Sheridan Lake Road) Less Lot W, all located in Section 36, T1N, R6E, BHM, Pennington County, South Dakota, located at 9425 Sheridan Lake Road. (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, a Utility Master Plan for the private utilities shall be submitted for review and approval; 3. Prior to Preliminary Plat approval by the City Council, a complete geotechnical report for this phase of the development shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by the City Council, a revised water plan shall be submitted for review and approval. In particular, the water plan shall be revised replacing the three inch mains with eight inch mains. In addition, geotechnical recommendations for corrosion control for the metal fittings shall be submitted for review and approval. A community water system agreement shall also be submitted for review and approval. In addition, the plat document shall be revised to show a water main utility easement on Lots 4 and 5; 5. A Special Exception is hereby granted to allow a 1,650 foot long cul-de-sac with no intermediate turnarounds in lieu of a maximum 500 foot long cul-de-sac with intermediate turnarounds every 600 feet as per the Street Design Criteria Manual contingent upon the implementation of a Wild Fire Hazard Mitigation Plan and that the cul-de-sac proposed in Phase Three be located in a minimum 110 foot diameter right-of-way and constructed with a minimum 90 foot diameter paved surface; 6. Prior to Preliminary Plat approval by the City Council, a site plan showing the location of the detention cell on the overall site shall be submitted for review and approval. In addition the site plan shall show the outlet pipe location as it extends from the pond; 7. Prior to submittal of a Final Plat application, the plat document shall be revised to show the street name; 8. Upon submittal of a Final Plat application, a road maintenance agreement for High Divide Circle shall be submitted for review and approval; 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.)

86. No. 05PL006 - A request by Sperlich Consulting, Inc. for Jim Letner for a **Layout Plat** on Lots 1 through 5, Park Meadows Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Lot 3 of Tract D located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1720 East St. Patrick Street. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat, road construction plans for East Saint Charles Street shall be submitted for review and approval. In particular, the construction plans shall show East Saint Charles Street located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer and bike path if disturbed or a Variance to the Subdivision Regulations shall be obtained; 2. Upon submittal of a Preliminary Plat, road construction plans for Creek Drive shall be submitted for review and approval. In particular, the road construction plans shall show Creek Drive 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; 3. Upon submittal of a Preliminary Plat, a drainage plan and on-site detention plan for all improved areas shall be submitted for review and approval. In addition, the plat document shall be revised to show additional drainage easements as necessary; 4. Upon submittal of a Preliminary Plat application, water and sewer plans prepared by a Registered Professional Engineer showing the extension of water service lines and locations along Creek Drive and East Saint Charles Street with size of sewer mains and service lines shall be submitted for review and approval or a Variance to the

Subdivision Regulations shall be obtained; 5. Upon submittal of a Preliminary Plat, a grading plan for all improved areas shall be submitted for review and approval; 6. Upon submittal of a Preliminary Plat, geotechnical information identifying the soil testing and design calculations for pavement design shall be submitted for review and approval; 7. Upon submittal of a Preliminary Plat, 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 Growth Management staff; 8. Upon submittal of a Preliminary Plat, the plat document shall be revised to provide a minimum 75 foot separation between the proposed driveways and Ash Avenue or a shared approach shall be provided aligning with Ash Avenue or an Exception to the Street Design Criteria Manual shall be obtained; 9. Upon submittal of a Preliminary Plat, the plat document shall be revised to provide a minimum 230 foot separation between driveway(s) and the East Saint Patrick Street/Creek Drive intersection or an Exception to the Street Design Criteria Manual shall be obtained; 10. Prior to submittal of a Final Plat, an Approach Permit from the South Dakota Department of Transportation for proposed East Saint Patrick Street accesses to the subject property shall be obtained; 11. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 12. Upon submittal of a Final Plat application, the plat document title shall be revised to identify a different subdivision name; 13. Upon submittal of a Final Plat application, the plat document shall be revised to show an additional 10 foot of right-of-way dedicated along East Saint Patrick Street and an additional 17 foot of right-of-way dedicated along Creek Drive or a Variance to the Subdivision Regulations shall be obtained; 14. Upon submittal of a Final Plat application, the plat document shall be revised eliminating the proposed access easements and show shared approaches or construct the access easements per City street standards. In particular, the access easements shall be a minimum 59 foot wide and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or request a Variance to the Subdivision Regulations; 15. Upon submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates; and, 16. 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.)

87. No. 05PL007 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Mark Abrams for a **Layout Plat** on Lot A Revised of Lot 16 of Block 2, High Meadows Ranchettes and Lot B Revised of Tract 1 of Stromer Subdivision, Section 35, T2N, R6E, BHM, Pennington County, South Dakota, legally described as Lot A of Lot 16 of Block 2, High Meadows Ranchettes and Lot B of Tract 1 of Stromer Subdivision, Section 35, T2N, R6E, BHM, Pennington County, South Dakota, located at 8150 Schroeder Road. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat, road construction plans for Schroeder Road shall be submitted for review and approval. In particular, the construction plans shall show Schroeder Road located in a minimum 100 foot wide right-of-way and constructed with a minimum 48 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 2. Upon submittal of a Preliminary Plat, road construction plans for Highland Loop shall be submitted for review and approval. In particular, the road construction plans shall show Highland Loop 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; 3. Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains, fire hydrants and water lines, including the size of the proposed water lines shall be submitted for review. If on-site well(s) are used, data to confirm that the well(s) have sufficient flows and water quality shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the proposed aquifer and anticipated depth of the well(s) shall be identified. The plat document shall also be revised to show utility easement(s) as needed; 4. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a central sewer system is proposed, the applicant shall identify the entity responsible for operation and maintenance and obtain South Dakota Department of Environment and Natural Resource approval. If individual on-site wastewater systems are used, then an on-site wastewater plan prepared by a Registered Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In particular, the information shall include percolation test data and location as well as soil profile data and locations. In addition, a septic tank plan must be submitted for review and approval as per Chapter 16.20.040.N of the Rapid City Municipal Code; 5. Upon submittal of a Preliminary Plat application, topographical plans showing existing utilities besides existing structures for the properties shall be submitted for review and approval; 6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 7. Upon submittal of a Final Plat application, the plat document title shall be revised to read "Formerly"; 8. Upon submittal of a Final Plat application, the plat document shall be revised to show road names and the right-of-way widths along Schroeder Road and Highland Loop; 9. Upon submittal of the Final Plat application, a note shall be placed on the plat document stating that "a reserve drainfield area shall be identified upon submittal of a building permit" and that "on-site wastewater disposal systems shall be mound systems, holding tanks or evapotranspiration systems only if percolation and profile information is not sufficient for conventional systems"; 10. Upon submittal of a Final Plat application, the plat document shall be revised to show an additional 17 foot of right-of-way dedicated along Schroeder Road; 11. Upon submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates; and, 12. 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.)

88. No. 05PL008 - A request by Centerline, Inc. for PLM Land Development LLC for a **Layout Plat** on Lots 1 through 234, Minnesota Ridge Heights South Subdivision, all located in the SW1/4 of Section 13 and the N1/2 of Section 24, all located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of Section 13; and, a portion of the N1/2 of Section 24, all located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of Fifth Street and Enchanted Pines Drive. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be

submitted for review and approval; 2. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, run-off volumes from the proposed development shall be in compliance with the South Robbinsdale Drainage Basin Design Plan or on-site detention shall be provided. In addition, the plat document shall be revised to provide drainage easements as necessary; 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. In addition, a maintenance agreement for the sanitary sewer main located through a proposed lot shall be submitted for review and approval. Road construction plans providing a minimum 20 foot wide graveled access and maintenance road for the sewer main shall also 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 and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, a high pressure water loop shall be extended from Minnesota Ridge Subdivision located north of the subject property to serve any portion of the subject property above an elevation of 3,450. In addition, connection fees shall be paid to connect to the Terracita Water Zone as needed; 5. Upon submittal of a Preliminary Plat application, road construction plans for Enchantment Road shall be submitted for review and approval. In particular, the street shall be located in a 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; 6. Upon submittal of a Preliminary Plat application, road construction plans for Enchantment Pines Road and Stumer Road shall be submitted for review and approval. In particular, the streets shall be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 7. 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. If the proposed development of the lots results in more than 20 dwelling units along each street, then the streets shall be constructed to sub-collector standards requiring that they be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained; 8. Upon Preliminary Plat application, the plat document shall be revised to provide an intermediate turnaround every 600 feet along the most western cul-de-sac or an Exception to the Street Design Criteria Manual shall be obtained; 9. 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; 10. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted

for review and approval; 11. 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; 12. Prior to submittal of a Final Plat, 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; 13. Prior to submittal of a Final Plat, the applicant shall submit proposed street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; and, 14. Prior to submittal of a Final Plat application, the applicant shall submit an alternate subdivision name to the Register of Deed's Office for review and approval. In addition, the plat document shall be revised to show the approved subdivision name; and 15. 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.)

### **Raffles**

89. Acknowledge Working Against Violence, Inc. raffle beginning mid-March, 2005 for cruise for two on the Carnival Spirit; proceeds from raffle go toward annual operating costs for WAVI

### END OF CONSENT CALENDAR

Hadley moved, second by Chapman to Approve the funding expenditure to recarpet City/School Administration Center 1<sup>st</sup> and 2<sup>nd</sup> floor hallway carpeting. Motion carried with Kooiker voting NO.

Johnson moved, second by Waugh to (No. LF021605-23) Approve Travel Request for Ken Simmons, Craig Uhre, Jerry Brown, Jerry Mitchell, and Bert Corwin to attend 77<sup>th</sup> Annual AAAE Conference and Exposition in Seattle, WA, from April 30, 2005 through May 5, 2005, in an approximate amount of \$11,974. Motion carried.

Hurlbut moved, second by Olson to (No. LF021605-07) to continue the City of Rapid City General Harassment Policy; and request the Mayor to form a Human Resource Task Force and appoint five Council members to review the General Harassment Policy. Motion carried.

### **PUBLIC HEARINGS**

The Mayor presented No. 04CA030, a request by Dream Design International for an **Amendment to the Comprehensive Plan to relocate a Collector Street on the Major Street Plan** on Right-of-way 76.00 feet in width with centerline described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 of Section 26; thence N56 29'51"W along a non-visual line, 972.17 feet to the TRUE POINT OF BEGINNING; Thence S22 35'26"E 198.94 feet; Thence along a curve to the right having a radius of 526.00 feet, included angle of 23 53'35", and a curve length of 219.35 feet; Thence S01 18'09"W 1438.43 feet; Thence along a curve to the right having a radius of 600.00 feet, included angle of 56 04'11", and a curve length of 587.16 feet; Thence S57 22'20"W 343.27 feet; Thence along a curve to the left having a radius of 600.00 feet, included angle of 56 04'11", and a curve length of 587.16 feet; Thence S01 18'09"W 150.00 feet to a point on the south line of section 26; said parcel containing 6.15

acres more or less and located in the SE1/4NW1/4 and SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, City of Rapid City, South Dakota, located east of South Highway 16 and south of U.S. Highway 16B (Catron Boulevard). The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 21st day of February, 2005 to consider an amendment to the Comprehensive Plan to relocate a Collector Street on the Major Street Plan consisting of a right-of-way 76.00 feet in width with centerline described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 of Section 26; thence N56°29'51"W along a non-visual line, 972.17 feet to the TRUE POINT OF BEGINNING; Thence S22°35'26"E 198.94 feet; Thence along a curve to the right having a radius of 526.00 feet, included angle of 23°53'35", and a curve length of 219.35 feet; Thence S01°18'09"W 1438.43 feet; Thence along a curve to the right having a radius of 600.00 feet, included angle of 56°04'11", and a curve length of 587.16 feet; Thence S57°22'20"W 343.27 feet; Thence along a curve to the left having a radius of 600.00 feet, included angle of 56°04'11", and a curve length of 587.16 feet; Thence S01°18'09"W 150.00 feet to a point on the south line of section 26; said parcel containing 6.15 acres more or less and located in the SE1/4NW1/4 and SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, City of Rapid City, South Dakota; and good cause appearing therefor

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

Dated this 21st day of February, 2005.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

The motion for adoption of the Resolution was seconded by Waugh. Upon a vote on the motion to approve, the following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut, and Waugh; NO: None; whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 04CA067, a request by Fisk Engineering for Bailey Associates, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on a 9.70 acre parcel of land from General Agriculture to Light Industrial** on the west 320 feet of the SE1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current eastern terminus of Commerce Road. Hadley moved, second by Olson and carried to deny without prejudice.

The Mayor presented No. 04CA068, a request by Fisk Engineering for Bailey Associates, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on an approximate 130.9 acre parcel of land from Park Forest to Light Industrial** on the east 1000 feet of the SE1/4 SE1/4 of Section 27, T2N, R7E, BHM; the SW1/4 SW1/4 of Section 26, T2N, R7E, BHM; and the east 1000 feet of the E1/2 NE1/4 of Section 34, T2N, R7E, BHM, all located in Rapid City, Pennington County, South Dakota, located at the current eastern terminus of Commerce Road. Hadley moved, second by French and carried to deny without prejudice.

The Mayor presented No. 05SV003, a request by Fisk Land Surveying & Consulting Engineers, Inc. for Mark Abrams for a **Variance to the Subdivision Regulations to waive the requirement to install paving, sidewalk, curb, gutter, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code** on Lot A Revised of Lot 16 of Block 2, High Meadows Ranchettes and Lot B Revised of Tract 1 of Stromer Subdivision, Section 35, T2N, R6E, BHM, Pennington County, South Dakota, legally described as Lot A of Lot 16 of Block 2, High Meadows Ranchettes and Lot B of Tract 1 of Stromer Subdivision, Section 35, T2N, R6E, BHM, Pennington County, South Dakota, located at 8150 Schroeder Road. Hadley moved, second by French and carried to deny without prejudice, at the applicant's request.

### **ORDINANCES & RESOLUTIONS**

Hadley moved, second by Hurlbut to refer No. LF021605-21 First Reading, Ordinance No. 5011 Regarding Discount on Water, Sewer, and Garbage Bills to the March 2, 2005, Legal and Finance Committee meeting. Motion carried.

**Ordinance No. 5025** (No. LF021605-09) Repealing Chapter 1.08 of the Rapid City Municipal Code Relating to Wards and Precincts and Adopting a New Revised Chapter 1.08 of the Rapid City Municipal Code was introduced. Upon a motion made by Murphy, seconded by Johnson and carried, Ordinance 5025 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, March 7, 2005 at 7:00 P.M.

**Ordinance No. 5026** (No. LF021605-03) Amending the Regulations of Parking Within the City of Rapid City by Amending Section 10.44.070 of Chapter 10.44 of the Rapid City Municipal Code was introduced. Upon a motion made by Murphy, seconded by Johnson and carried, Ordinance 5026 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, March 7, 2005 at 7:00 P.M.

**Ordinance No. 5040** (No. 05RZ002), a request by Faulk & Foster for Western Wireless Corp. to consider an application for a **Rezoning from Park Forest District to Public District** on a tract of land that is located in a portion of the NE1/4 of the SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the Southeast corner of Lot 3 as recorded in Page 62 of the Schambers records of the Pennington County Register of Deeds; thence North along the east line of said Lot 3, 789.81 feet to the south line of Tract 4 of the Greenway tracts as recorded in Book 17 of Plats on Page 106 of the records of the Pennington County Register of Deeds; thence S74°32'00"W along the said south line of Tract 4 of the Greenway tracts, 194.76 feet; thence S36°00'00"W along the

said south line of Tract 4 of the Greenway tracts, 459.84 feet; thence South, 363.83 feet to the south line of said Lot 3; thence S89°44'48"E along the said south line of Lot 3, 458.00 feet to the point of beginning; all located in NE1/4 of the SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Player Drive was introduced. Upon a motion made by Murphy, seconded by Johnson and carried, Ordinance 5040 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, March 7, 2005 at 7:00 P.M.

**Ordinance No. 5027** (No. 05RZ003), a request by Fisk Land Surveying and Consulting Engineers for Donald Potts to consider an application for a **Rezoning from General Agriculture District to Park Forest District** in the SW1/4 SW1/4 SE1/4 & SE1/4 SW1/4 SE1/4, less Lot H-1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Haugo Drive and Catron Boulevard was introduced. Upon a motion made by Kroeger, seconded by Waugh and carried, Ordinance 5027 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, March 7, 2005 at 7:00 P.M.

**Ordinance No. 5028** (No. 05RZ004), a request by Fisk Land Surveying & Consulting Engineers for Bailey Associates, Inc. to consider an application for a **Rezoning from Public District to Business Park District** in the SE1/4 SE1/4 of Section 27, T2N, R7E, BHM less the west 420 feet thereof and the E1/2 NE1/4 of Section 34, T2N, R7E, BHM, less the west 420 feet thereof, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Commerce Road was introduced. Upon a motion made by Chapman, seconded by Johnson and carried, Ordinance 5028 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, March 7, 2005 at 7:00 P.M.

**Ordinance No. 5029** (No. 05RZ005), a request by Fisk Land Surveying & Consulting Engineers for Bailey Associates, Inc. to consider an application for a **Rezoning from Public District to Light Industrial District** on the west 420 feet of the SE1/4 SE1/4 of Section 27 and the west 420 feet of the E1/2 NE1/4 of Section 34, all in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Commerce Road was introduced. Upon a motion made by Chapman, seconded by Johnson and carried, Ordinance 5029 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, March 7, 2005 at 7:00 P.M.

**Ordinance No. 5030** (No. 05RZ006), a request by Fisk Land Surveying & Consulting Engineers for Bailey Associates, Inc. to consider an application for a **Rezoning from Public District to Medium Density Residential District** in the NW1/2 SW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Commerce Road was introduced. Upon a motion made by Chapman, seconded by Murphy and carried, Ordinance 5030 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, March 7, 2005 at 7:00 P.M.

**Ordinance No. 5031** (No. 05RZ007), a request by Fisk Land Surveying & Consulting Engineers for Bailey Associates, Inc. to consider an application for a **Rezoning from Public District to Low Density Residential District** in the SE1/2 SW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Commerce Road was introduced. Upon a motion made by Chapman, seconded by Murphy and carried, Ordinance 5031 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, March 7, 2005 at 7:00 P.M.

**Ordinance No. 5032** (No. 05RZ008), a request by Dream Design International for SPF, LLC to consider an application for a **Rezoning from No Use District to Low Density Residential District** on land located in the S1/2 SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence N45°00'00"E a distance of 46.67 feet to the point of beginning; thence north a distance of 1199.09 feet; thence along the arc of a curve to the right whose radius points bears N89°57'07"E, having a radius of 67.30 feet, a central angle of 89°49'12" and an arc length of 105.51 feet; thence N89°46'19"E a distance of 508.42 feet; thence S56°29'58"E a distance of 1920.16 feet; thence west a distance of 888.13 feet; thence south a distance of 208.66 feet; thence west a distance of 1288.50 feet to the point of beginning, containing an area of 39.6 acres, more generally described as being located north of Country Road east of West Nike Road was introduced. Upon a motion made by Chapman, seconded by Murphy and carried, Ordinance 5032 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, March 7, 2005 at 7:00 P.M.

**Ordinance No. 5033** (No. 05RZ009), a request by Sperlich Consulting for Doeck, LLC to consider an application for a **Rezoning from Low Density Residential District to Medium Density Residential District** on a portion of the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: commencing at the northeasterly corner of Lot 1 of Block 4 of Auburn Hills Subdivision, common to a point on the westerly edge of the right-of-way of Haines Avenue, and the Point of Beginning; Thence, first course: S70°51'20"W, along the northerly boundary of said Lot 1 of Block 4, a distance of 108.45 feet, to the northwesterly corner of said Lot 1 of Block 4, common to the easterly edge of the right-of-way of Chalkstone Court; Thence, second course: northwesterly, along the easterly edge of the right-of-way of said Chalkstone Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 07°44'19", an arc length of 43.83 feet, a chord bearing of N23°00'50"W, and a chord distance of 43.79 feet, to the northeasterly corner of the right-of-way of said Chalkstone Court; Thence third course: S63°07'01"W, along the northerly end of the right-of-way of said Chalkstone Court, a distance of 49.00 feet, to the northeasterly corner of Lot 2 of Block 4 of Auburn Hills Subdivision, common with the northwesterly corner of the right-of-way of said Chalkstone Court; Thence, fourth course: S63°07'01"W along the northerly boundary of said Lot 2 of Block 4, a distance of 124.45 feet to the northwesterly corner of said Lot 2 of Block 4, common to a point on the easterly boundary of Lot 3 of Block 4 of Auburn Hills Subdivision; Thence, fifth course: N18°05'54"W, along the easterly boundary of said Lot 3 of Block 4, a distance of 86.55 feet, to the northeasterly corner of said Lot 3 of Block 4; Thence, sixth course: S67°34'38"W, along the northerly boundary of said Lot 3 of Block 4, a distance of 110.00 feet, to the northwesterly corner of said Lot 3 of Block 4, common with a point on the easterly edge of the right-of-way of Coal Bank Court; Thence,

seventh course: northwesterly, along the easterly edge of the right-of-way of said Coal Bank Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of  $06^{\circ}10'47''$ , an arc length of 35.00 feet, a chord bearing of  $N25^{\circ}30'46''W$ , and a chord distance of 34.98 feet, to a point of tangent; Thence, eighth course:  $N28^{\circ}36'09''W$ , along the easterly edge of the right-of-way of said Coal Bank Court, a distance of 28.62 feet, to a point of curve; Thence, ninth course: northwesterly, along the easterly edge of the right-of-way of said Coal Bank Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of  $03^{\circ}24'07''$ , a arc length of 19.27 feet, a chord bearing of  $N49^{\circ}39'37''W$ , and chord distance of 19.26 feet, to the northeasterly corner of the right-of-way of said Coal Bank Court; Thence, tenth course:  $S57^{\circ}59'43''W$ , along the northerly edge of the right-of-way of said Coal Bank Court, a distance of 49.00 feet, to the northeasterly corner of Lot 4 of Block 4; Thence, eleventh course:  $S89^{\circ}52'29''W$ , a distance of 173.34 feet to the northwesterly corner of Lot 5 of Block 4; Thence, twelfth course:  $S89^{\circ}52'29''W$ , along the westerly edge of Lots 6 thru 11 and future Lot 12 of Block 4, a distance of 603.16 feet; Thence, thirteenth course:  $N00^{\circ}00'00''E$ , a distance of 405.96 feet to a point on the 1/16 section line and the northerly boundary of said SW1/4 of the NW1/4 of Section 13, T2N, R7E, BHM; Thence, fourteenth course:  $N89^{\circ}52'25''E$ , along the 1/16 section line and the northerly boundary of said SW1/4 of the NW1/4 of Section 13, a distance of 1079.49 feet to a point of intersection of the SW1/4 of the NW1/4 of Section 13, and the westerly edge of the right-of-way of said Haines Avenue; Thence, fifteenth course:  $S23^{\circ}09'20''E$ , along the westerly edge of the right-of-way of said Haines Avenue, a distance of 457.48 feet to the northeasterly corner of Lot 1 of Block 4 of Auburn Hills Subdivision, common to a point on the westerly edge of the right-of-way of said Haines Avenue, and the Point of Beginning; said parcel contains 488,619 square feet of 11.217 acres more or less, located in the Auburn Hills Subdivision was introduced. Upon a motion made by Chapman, seconded by French and carried, Ordinance 5033 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, March 7, 2005 at 7:00 P.M.

**Ordinance No. 5034** (No. 05RZ010), a request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Light Industrial District** on that portion of the SW1/4 lying northwest of Deadwood Avenue right-of-way and the west 34 feet of the Deadwood Avenue right-of-way, located in the SW1/4 of Section 15, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; that portion of the SE1/4 of Section 16 lying north and east of Interstate 90 right-of-way, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and that portion of the E1/2 of Section 21 lying north and east of Interstate 90 right-of-way, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in the Deadwood Avenue right-of-way lying north of Interstate 90 was introduced. Upon a motion made by Chapman, seconded by Murphy and carried, Ordinance 5034 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, March 7, 2005 at 7:00 P.M.

**Ordinance No. 5035** (No. 05RZ011), a request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on the west approximately 860 feet of Lot H7 in the SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of I-90 at Exit 61 was introduced. Upon a motion made by Chapman, seconded by Murphy and carried, Ordinance 5035 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized

and directed to publish notice of hearing thereon, said hearing to be held on Monday, March 7, 2005 at 7:00 P.M.

**Ordinance No. 5036** (No. 05RZ012), a request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on the east approximately 1537 feet of Lot H7 in the SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota and Lot H1 in Tract B in the NE1/4 SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of I-90 at Exit 61 was introduced. Upon a motion made by Chapman, seconded by Murphy and carried, Ordinance 5036 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, March 7, 2005 at 7:00 P.M.

**Ordinance No. 5037** (No. 05RZ013), a request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on the easternmost 1824.64 feet of the SW1/4 of Section 27 lying south of Lot H7 of the SW1/4, all located in Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road and south of Interstate 90 was introduced. Upon a motion made by Chapman, seconded by French and carried, Ordinance 5037 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, March 7, 2005 at 7:00 P.M.

**Ordinance No. 5038** (No. 05RZ014), a request by Dream Design International for SPF, LLC to consider an application for a **Rezoning from No Use District to Low Density Residential District** on land located in the S1/2 S1/2, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence N25°03'23"E a distance of 1436.68 feet to the point of beginning; thence N89°46'19"E a distance of 433.15 feet; thence along the arc of a curve to the left whose radius point bears N0°13'41"W, having a radius of 310.16 feet, a central angle of 18°42'55" and an arc length of 101.31 feet; thence east a distance of 3805.95 feet; thence south a distance of 1287.00 feet; thence west a distance of 1680.16 feet; thence north a distance of 208.66 feet; thence west a distance of 835.80 feet; thence south a distance of 208.66 feet; thence west a distance of 66.00 feet; thence north a distance of 208.66 feet; thence west a distance of 155.42 feet; thence N56°29'58"W a distance of 1920.16 feet to the point of beginning, containing an area of 96.1 acres, located north of Country Road east of West Nike Road was introduced. Upon a motion made by Chapman, seconded by Murphy and carried, Ordinance 5038 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, March 7, 2005 at 7:00 P.M.

**Ordinance No. 5039** (No. 05RZ015), a request by Dream Design International for SPF, LLC to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on land located in the SE1/4 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence N75°03'36"E a distance of 5120.08 feet to the point of beginning; thence east a distance of 300.00 feet; thence south a distance of 970.00 feet; thence west a distance of 300.00 feet; thence north a distance of

970.00 feet to the point of beginning, containing an area of 6.7 acres, located north of Country Road east of West Nike Road was introduced. Upon a motion made by Chapman, seconded by Murphy and carried, Ordinance 5039 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, March 7, 2005 at 7:00 P.M.

The Mayor announced the meeting was open for hearing on No. 04RZ063, second reading of **Ordinance No. 5020**, a request by Fisk Engineering for Bailey Associates, Inc. for a **Rezoning from Public District to Light Industrial District** on the unplatted SW1/4 SW1/4, Section 26, T2N, R7E, BHM, and the unplatted E1/2 NE1/4, Section 34, T2N, R7E, BHM, and the unplatted SE1/4 SE1/4, Section 27, T2N, R7E, BHM, all located in Rapid City, Pennington County, South Dakota, located east of Rand Road and south of South Plaza Drive. Notice of hearing was published in the Rapid City Journal on January 22, 2005 and January 29, 2005. Ordinance 5020 having had the first reading on January 17, 2005, it was moved by Chapman, second by Murphy to deny without prejudice. Upon a vote to deny, the motion carried with the following voting AYE: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut, and Waugh; NO: None.

The Mayor announced the meeting was open for hearing on No. 05RZ001, second reading of **Ordinance No. 5024**, a request by FMG Engineering for Belgarde Enterprises for a **Rezoning from General Agriculture District to Medium Density Residential District** on that part of the E1/2 of the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a rebar with survey cap marked "1019" at the Center-South-South 1/64 corner of Section 22; thence S00°12'36"E, 152.63 feet to a point; thence West, 726.50 feet to a point; thence N64°41'13"W, 267.41 feet to a point; said point being the intersection with a non-tangent curve, the radius point of said curve bears S53°20'07"W, 226.00 feet from said intersection, said curve having a central angle of 16°17'27"; thence Northwesterly, 64.26 feet along arc of said curve, said curve having a chord bearing of N44°48'37"W, and chord distance of 64.04 feet, to a point of tangency; thence N52°57'20"W, 189.40 feet to a point; said point being the point of curvature of a curve to the right having a central angle of 52°57'20" and radius of 174.00 feet; thence Northwesterly and Northerly, 160.82 feet along arc of said curve, said curve having a chord bearing of N26°28'40"W, and a chord distance of 155.16 feet, to a point of tangency; thence North, 187.01 feet to a point; said point being the intersection with a non-tangent curve, the point of said curve bears N04°15'00"W, 92.00 feet from said intersection, said curve having a central angle of 35°45'00"; thence Easterly and Northeasterly, 57.40 feet along arc of said curve, said curve having a chord bearing of N67°52'30"E, and a chord distance of 56.48 feet, to a point of tangency; thence N50°00'00"E, 64.59 feet to a point; said point being the point of curvature of a curve to the right having a central angle of 10°02'46" and radius of 208.00 feet; thence Northeasterly, 36.47 feet along arc of said curve, said curve having a chord bearing of N55°01'23"E, and a chord distance of 36.42 feet, to a point; thence North, 173.49 feet to a point; thence East, 550.47 to a point; thence N26°24'26"E, 82.06 feet to a point on the south Right-Of-Way line of Catron Boulevard; thence S63°35'34"E, 317.69 feet along the south Right-Of-Way line of Catron Boulevard to a 5/8" rebar; said rebar being the intersection with a non-tangent curve, the radius point of said curve bears S26°24'37"W, 2230.97 feet from said intersection, said curve having a central angle of 6°46'27"; thence Southeasterly, 263.77 feet along arc of said curve, said curve having a chord bearing of S60°12'09"E, and a chord distance of 263.62 feet, to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119", said rebar being on the

south Right-Of-Way line of Catron Boulevard; thence S00°08'29"E, 505.50 feet to a rebar with survey cap marked "1019" at the Center-South-South 1/64 corner of Section 22 at the point of beginning; all located within the E1/2 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Catron Boulevard and Nugget Gulch Road. Notice of hearing was published in the Rapid City Journal on February 12, 2005 and February 19, 2005, Ordinance 5024, having had the first reading on February 7, 2005, it was moved by Chapman, second by Murphy that the title be read the second time. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut, and Waugh; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 5024 the second time.

### **LEGAL & FINANCE COMMITTEE ITEMS**

The Mayor presented No. LF021605-02, approve Fiscal Year 2005 Community Development Block Grant Funding Allocations; whereupon Waugh moved, second by Hurlbut and carried to approve and Authorize the Mayor and Finance Officer to sign the Community Development Block Grant application.

### **PUBLIC WORKS COMMITTEE ITEMS**

Hadley moved, second by Murphy and carried to (No. PW021505-09) Authorize Mayor and Finance Office to Sign Addendum No. 1 to the Professional Services Agreement with Ferber Engineering, Company, Inc. for the Design and Preparation of Construction Plans and Technical Specifications for the East Mall Drive Connection Project No. ST03-1334 for an amount not to exceed \$82,340.00.

Hadley moved, second by Waugh to Accept Red Rock Meadows Lift Station as a City of Rapid City lift station for ownership and maintenance. Substitute motion was made by French, second by Hurlbut to authorize the Mayor and Finance Officer to sign an agreement to accept Red Rock Meadows Lift Station as a City of Rapid City lift station for ownership and maintenance, contingent upon Red Rock sign the agreement first. Substitute motion carried.

### **APPROVAL OF BILLS**

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

Payroll Paid Ending 02-05-05, Paid 02-11-05	794,728.85
Payroll Paid Ending 02-05-05, Paid 02-11-05	1,660.80
Pioneer Bank, Taxes Paid 02-11-05	186,919.52
Pioneer Bank, Taxes Paid 02-11-05	119.17
First Administrators, claims paid 02-09-05	84,667.15
First Administrators, claims paid 02-16-05	69,414.61
Black Hills Power & Light, electricity	33,725.89
West River Electric Association, electricity	13,228.35
Office of Justice Programs, grant return of funds	349.65
United States Postmaster, postage	1,600.00

Computer Bill List	<u>2,565,318.97</u>
Subtotal	\$3,751,732.96
Payroll Paid Ending 02-05-05, Paid 02-11-05	2,762.40
Pioneer Bank, Taxes paid 02-11-05	211.32
City of Rapid City, postage	2.14
City of Rapid City, January health	643.00
Marlin Leasing, copier lease	8.15
South Dakota Retirement System, January pension	283.01
SDSM&T, December phone	53.26
Standard Life, February life	<u>7.92</u>
Total	\$3,755,704.16

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

Kroeger moved, second by French and carried to go into Executive Session to discuss pending litigation, contractual and personnel matters.

The Council reconvened at 10:50 P.M. with all members present.

The Mayor presented No. 05SV005, a request by Centerline, Inc. for Lazy P-6 Land Co. Inc. for a **Variance to the Subdivision Regulations to waive the requirement to allow platting half of the Elm Street right-of-way and to postpone construction of Elm Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 53, Lazy P-6 Land Company, Inc. Subdivision all located in N1/2 NW1/4 NW1/4, Government Lot 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as N1/2 NW1/4 NW1/4, Government Lot 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Parkview Drive and north of Catron Boulevard. Hadley moved, second by French to deny. Motion carried.

Chapman moved, second by Hadley to Table authorization for 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, sewer and pavement along Elm Street as it abuts the subject property in the NE1/4 NW1/4 NW1/4 GL 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located approximately 660 feet to the east of the Parkview Drive terminus. (03SV038). Motion carried with Kooiker voting NO.

Hadley moved, second by Murphy and carried to (No. PW110904-05), Approve Change Order No. 1F for Lange Road Sanitary Sewer Project Number SS03-1253 to Heavy Constructors, Inc. for an increase of \$14,378.15.

Kroeger moved, second by Johnson and carried to continue No. PW122804-02, Approve Option No. 01, moving forward on the acquisition of easements as it relates to Sewer Service to Lazy P-6 property, Centerline for Lazy P-6 to the March 7, 2005 Council meeting.

As there was no further business to come before the Council at this time, the meeting adjourned at 10:52 P. M.

CITY OF RAPID CITY

ATTEST:

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

(SEAL)

\_\_\_\_\_  
Mayor