

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

June 22, 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 Wednesday, June 22, 2005 at 7:05 P.M.

The following Alderpersons were present: 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 Finance Officer Jim Preston, City Attorney Jason Green, Growth Management Director Marcia Elkins, Public Works Director Dirk Jablonski, Fire Chief Gary Shepherd, Police Chief Craig Tieszen, and Administrative Assistant Jackie Gerry.

APPROVE MINUTES

French moved, second by Chapman and carried to approve the minutes of June 6 and special Council of June 8, 2005.

ADOPTION OF THE AGENDA

The following items were added to the agenda:

- 29.A. Authorize Mayor and Finance Officer to sign a Waiver of Right to Protest a Future Assessment
- 112.A. Emergency \$10,000 appropriation for the Ellsworth Task Force, Alderman Kooiker
- 112.B. Establish meeting time for the July 5, 2005 Council meeting at 6:30 P.M., Alderman Kooiker
- 114.A. Crosswalk Safety Issues on St. Patrick Street near Golden Acres Mobile Home Court, Alderman Kooiker
- 124. Authorize Mayor and Finance Officer to sign an Assignment Agreement for Tax Increment District No. 36
- 124.A. Executive Session to discuss pending litigation, personnel and contractual matters

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

AWARDS AND RECOGNITIONS

Council President Kroeger presented the Veteran of the Month Award for June 2005 to Valdean H. Fuelling and recognized his efforts and dedication to the service of his country.

Council President Kroeger presented a Certificate of Recognition to Chuck Jager, of the Common Energy Plant and acknowledged his 20 years of service to the City.

PUBLIC HEARINGS

French moved, second by Waugh and carried to open the Public Hearings. Growth Management Director Elkins addressed No. 05CA019 explaining there has been some discussion by Council members about the desire to have a Planned Development attached to this item. Elkins indicated the Planning Commission has recommended approval with stipulations; however if the Council wishes to consider a Planned Development, the applicant is agreeable. Elkins advised the Council to continue the hearing to August 15, 2005 to allow the applicant to submit the documents. Elkins also advised the Council that the applicant is asking the Council and City to co-sponsor the application, so that the applicant does not have to pay an additional fee. Hadley moved, second by Waugh and carried to close the Public Hearings.

Council President Kroeger announced that the meeting was open for consideration of the assessment roll for Miscellaneous Property Cleanup (No. CC051605-05). Notice of hearing was mailed to the affected property owners on May 20, 2005 and published in the Rapid City Journal on May 28, 2005. No oral or written objections were made or received by the Council. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR
CLEANUP OF MISCELLANEOUS PROPERTIES

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

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

Dated this 22nd day of June 2005.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Waugh. 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.

Council President Kroeger presented No. 05CA019, a request by Marty Jacob for MBJ Company, Inc. for an **Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a**

1.58 acre parcel of land from Medium Density Residential to Light Industrial on Lots 1 thru 8 inclusive and Lots 21 thru 28 inclusive in Block 7 and Lots 1 thru 7 inclusive in Block 12; all located in Northside Addition, NW1/4 Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 826 East Monroe Street. Johnson moved, second by Chapman to continue the Amendment to the Comprehensive Plan to the August 15, 2005 Council meeting; direct staff to work with the applicant to bring forward the Planned Development overlay; and the Council and City co-sponsor the application. Motion carried.

Council President Kroeger presented No. 05CA026, a request by Joseph A. Carlin, Jr. for D. Hamm Limited Partnership/Joe & Michele Carlin for an **Amendment to the Comprehensive Plan to change the future land use designation parcel from Light Industrial District to General Commercial District** on Lots 17 through 22, Block 3, Section 35, T2N, R7E, and the north 40 feet of Lots 8, 8B, and 9 through 12, and the south 40 feet of the vacated Rapid Street adjacent to said lots, Block 6 all located in Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Sum Place, Twelfth Street and West Rapid Street. 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 22nd day of June, 2005 to consider an amendment to the Comprehensive Plan Amendment to the Comprehensive Plan to change the future land use designation parcel from Light Industrial District to General Commercial District, on Lots 17 through 22, Block 3, Section 35, T2N, R7E, and the north 10 feet of Lots 8, 8B, and 9 through 12, and the south 40 feet of the vacated Rapid Street adjacent to said lots, Block 6 all located in Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefore

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

Dated this 22nd day of June, 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 Chapman. 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.

Council President Kroeger presented 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. Hadley moved, second by Hurlbut and carried to Deny without prejudice.

Council President Kroeger presented No. 05SV019, a request by Sperlich Consulting, Inc. for Jim Letner for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Creek Drive and East Saint Charles Street and to waive the requirement to dedicate additional right-of-way along Creek Drive and East Saint Patrick Street as per Chapter 16.16 of the Rapid City Municipal Code** on SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1720 East St. Patrick Street. Hadley moved, second by French and carried to Deny without prejudice.

Council President Kroeger presented No. 05SV034, a request by Sperlich Consulting, Inc. for Doeck LLC for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 18 through 26, Block 3, Auburn Hills Subdivision, a portion of land located in the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as located in

the SW1/4 of the NW1/4, Auburn Hills Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the west end of Crimson Court and adjacent to Coal Bank Drive. Hadley moved, second by Hurlbut and carried to approve the Variance.

LEGAL & FINANCE COMMITTEE ITEMS

Chapman moved, second by Johnson to consider the following after the Executive Session. Comments followed. Alderman Hurlbut called the question; Alderman Kooiker asked for a point of order and City Attorney Green advised that calling the question was out of order as a Council member can not first speak to an issue and then call the question. Alderman Murphy called the question, Second by Waugh. Upon a roll call vote on the question, motion carried with the following voting AYE: Chapman, Murphy, French, Kroeger, Johnson, Olson, Hurlbut and Waugh; NO: Hadley and Kooiker. Upon a vote being taken on the motion to continue, motion carried with Hadley and Kooiker voting NO.

9. No. 05TI004 Request by Joseph Lux for Lazy P6 Land Company, Inc. to consider an application for a Resolution Creating Revised Tax Increment District No. 41 on Government Lot 1 & 2 less Lot H1 in the SW1/4NW1/4 and Lot 1 of North 80 Subdivision, all located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A Revised of N1/2 GL 4 and adjacent Parkview Drive right-of-way, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, all of Eastridge Estates Subdivision and Stumer Road and Enchantment Road rights-of-way adjacent to Eastridge Estates Subdivision, the unplatted balance of N1/2NW1/4, the unplatted balance of SW1/4NW1/4, the unplatted balance of the SE1/4NW1/4, and the unplatted balance of the NE1/4, and all of Enchanted Pines Road right-of-way and 5th Street right of-way, and Lot 2, Block 1, 5th Street Office Plaza, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, SW1/4SW1/4SE1/4, N1/2SW1/4SE1/4, the Unplatted Balance of the E1/2NW1/4SE1/4, the Unplatted balance of the W1/4NW1/4SE1/4, the 100 foot dedicated 5th Street Right-of-way lying adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4, the platted 60 foot Minnesota Street Right-of-way adjacent to Lot 1 of Block 1, Terracita Park Subdivision as shown on Plat 30 Page 109, the platted 80 foot Minnesota Street Right-of-way as shown on Plat 29 Page 117 adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4 and adjacent to the Unplatted balance of the E1/2NW1/4SE1/4 and adjacent to Tract B, and all of 5th Street right-of-way, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and dedicated ROW, Block 11, Robbinsdale Addition No. 10, Lot 1 and adjacent Parkview Drive right-of-way, Block 11, Robbinsdale #10, and Lots 2-6, Block 1, Terracita Park Subdivision, and Lot 20, Block 6, Robbinsdale #10, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota., more generally described as being located at Fifth Street north of Catron Boulevard, east of US Highway 16 and west of SD Highway 79.
10. No. 05TI005 Request by Joseph Lux for Lazy P6 Land Company, Inc. to consider an application for a Resolution for Revised Project Plan for Tax Increment District No. 41 on Government Lot 1 & 2 less Lot H1 in the SW1/4NW1/4 and Lot 1 of North 80 Subdivision, all located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A Revised of N1/2 GL 4 and adjacent Parkview Drive right-of-way, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, all of

Eastridge Estates Subdivision and Stumer Road and Enchantment Road rights-of-way adjacent to Eastridge Estates Subdivision, the unplatted balance of N1/2NW1/4, the unplatted balance of SW1/4NW1/4, the unplatted balance of the SE1/4NW1/4, and the unplatted balance of the NE1/4, and all of Enchanted Pines Road right-of-way and 5th Street right of-way, and Lot 2, Block 1, 5th Street Office Plaza, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, the SW1/4SW1/4SE1/4, N1/2SW1/4SE1/4, the Unplatted Balance of the E1/2NW1/4SE1/4, the Unplatted balance of the W1/4NW1/4SE1/4, the 100 foot dedicated 5th Street Right-of-way lying adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4, the platted 60 foot Minnesota Street Right-of-way adjacent to Lot 1 of Block 1, Terracita Park Subdivision as shown on Plat 30 Page 109, the platted 80 foot Minnesota Street Right-of-way as shown on Plat 29 Page 117 adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4 and adjacent to the Unplatted balance of the E1/2NW1/4SE1/4 and adjacent to Tract B, and all of 5th Street right-of-way, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and dedicated ROW, Block 11, Robbinsdale Addition No. 10, Lot 1 and adjacent Parkview Drive right-of-way, Block 11, Robbinsdale #10, and Lots 2-6, Block 1, Terracita Park Subdivision, and Lot 20, Block 6, Robbinsdale #10, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota., more generally described as being located at Fifth Street north of Catron Boulevard, east of US Highway 16 and west of SD Highway 79.

Council President Kroeger presented No. LF061305-15, Renew Stop Loss Contract with American National for the City's Health Care Plan, and the Associated Contracts for Utilization Review, Network and Claims Administration; whereupon French moved to approve. Motion was second by Olson. Upon a request from Finance Officer Preston for a change in the language, substitute motion was made by Chapman to Renew Stop Loss Coverage Contract with American National for the City's Health Care Plan, and the associated contract with First Administrators which includes the City's use of the SelectFirst Network and OHARA managed care services. Motion was second by Waugh. Motion carried.

ORDINANCES & RESOLUTIONS

Ordinance No. 5071 (No. 05OA004), Adding Towing Company as a Permitted Use by Amending Section 17.22.020 of the Rapid City Municipal Code having passed first reading on June 6, 2005, it was moved by Chapman, second by French 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 Council President declared the motion passed and read the title of Ordinance 5071 was declared duly passed upon it's second reading.

Ordinance No. 5061 (No. LF041305-12A), Amending Section 13.08.370 of the Rapid City Municipal Code Pertaining to Sewer Rates and Fees with proposed revision having passed first reading on May 16, 2005, it was moved by Chapman, second by Waugh 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 Council President declared the motion passed and read the title of Ordinance 5061 was declared duly passed upon it's second reading.

The Council President announced the meeting was open for hearing on No. 05RZ029, second reading of **Ordinance No. 5058**, a request by Marty Jacob for MJB Company, Inc. for a **Rezoning from Medium Density Residential District to Light Industrial District** on Lots 1 thru 8 inclusive and Lots 21 thru 28 inclusive in Block 7 and Lots 1 thru 7 inclusive in Block 12; all located in Northside Addition, NW1/4 Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 826 East Monroe Street. Notice of hearing was published in the Rapid City Journal on April 9, 2005 and April 16, 2005. Ordinance 5058 having had the first reading on April 4, 2005, it was moved by Chapman, second by Olson that the title be read the second time. Substitute motion was made by Hadley, second by French and carried to continue to August 15, 2005 Council meeting.

The Council President announced the meeting was open for hearing on No. 05RZ039, second reading of **Ordinance No. 5072**, a request by Dream Design International for a **Rezoning from No Use District to Low Density Residential District** on the beginning at a found point on the quarter corner of Section 28 and Section 29 T1N, R7E, BHM; thence S89°59'26"E 1064.51 feet; thence S63°16'56"W 75.68 feet; thence S58°41'53"W 119.08 feet; thence S67°34'57"W 52.00 feet; thence S76°02'59"W 119.17 feet; thence S88°05'02"W 104.00 feet; thence S89°59'30"W 626.72 feet; thence N00°18'06"W 148.20 feet; to the Point of Beginning; containing 3.12 acres more or less, located at the SW1/4, Section 28, T1N, R7E, BHM, Pennington County, South Dakota, located south of the intersection of Muirfield Drive and Coghill Lane. Notice of hearing was published in the Rapid City Journal on June 11, 2005 and June 18, 2005. Ordinance 5072 having had the first reading on June 6, 2005, it was moved by Chapman, second by Hurlbut 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 Council President declared the motion passed and read the title of Ordinance 5072 the second time.

The Council President announced the meeting was open for hearing on No. 05RZ040, second reading of **Ordinance No. 5073**, a request by Kahler Property Management for Robert Froehlich for a **Rezoning from Medium Density Residential District to Neighborhood Commercial District** on Lots 1 through 20, Block 1, Robbinsdale Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection at East Saint Patrick Street and Robbins Drive. Notice of hearing was published in the Rapid City Journal on June 11, 2005 and June 18, 2005. Ordinance 5073 having had the first reading on June 6, 2005, it was moved by Chapman, second by Olson 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 Council President declared the motion passed and read the title of Ordinance 5073 the second time.

The Council President announced the meeting was open for hearing on No. 05RZ041, second reading of **Ordinance No. 5074**, a request by Joseph A. Carlin, Jr. for D. Hamm Limited Partnership/Joe & Michele Carlin for a **Rezoning from Light Industrial District to General Commercial District** on Lots 17 through 22, Block 3, Section 35, T2N, R7E, and the north 40 feet of Lots 8, 8B, and 9 through 12, and the south 10 feet of the vacated Rapid Street adjacent to said lots, Block 6 all located in Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Sum Place, Twelfth Street and West Rapid Street. Notice of hearing was published in the Rapid City Journal on June 11, 2005 and June 18, 2005. Ordinance 5074 having had the first reading on June 6, 2005, it was moved by Chapman, second by French 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 Council President declared the motion passed and read the title of Ordinance 5074 the second time.

CONTINUED ITEMS CONSENT CALENDAR – Items 18-44

The following items were removed from the Continued Consent Calendar:

27. No. 05PL093 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 10 through 27, Block 4 and Lots 1 through 12, Block 5, Eastridge Estates Subdivision, located in the NE1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted land located in the NE1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to East Catron Boulevard and Enchantment Road.
29. No. 05SV012 - A request by Dream Design International for SPF, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Freeland Meadows Subdivision, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the Government Lot 4 less right-of-way; the unplatted portion of the SE1/4 SW1/4, the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, located north of Country Road east of West Nike Road.
- 29.A. Authorize Mayor and Finance Officer to sign a Waiver of Right to Protect a Future Assessment for the installation of curb, gutter, sidewalk, street light conduit, water and sewer along Country Road and West Nike Road as they abut Government Lot 4 less right-of-way; the unplatted portion of the SE1/4 SW1/4, the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, located north of Country Road east of West Nike Road.

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

Continue the following items until July 5, 2005:

18. 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.
19. 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.
20. No. 05AN006 - A request by Dream Design International for a **Petition for Annexation** on the NE1/4 NW1/4, Section 19, T2N, R8E, BHM, Pennington County, South Dakota, located east of West Nike Road and Country Road.

21. No. 05CA023 - A request by City of Rapid City for Tracy Parris for a **Amendment to the Comprehensive Plan to change the land use designation on a .05 acre parcel from Flood to Park Forest** on a parcel of land located in Lot 5 of Tittle Springs Subdivision more particularly described as follows: located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel bears N09°00'28"W a distance of 814.22 feet from the southeast corner of Lot 2 of Tittle Springs Subdivision commencing at the point of beginning: Thence First Course: along the line common with lots 4 and 5 of Tittle Springs Subdivision a bearing of N01°27'29"E and a distance of 35.58 feet; Thence Second Course: along the 100-Year Flood Plain Boundary delineated from F.I.R.M. Panel 465420-0011 F a bearing of N54°55'21"W, a distance of 14.13 feet; Thence Third course: along said 100-Year Flood Boundary Line a bearing of N87°37'55"W and distance of 4.24 feet; Thence Fourth Course: along said 100-year flood line a bearing of N70°03'43"W and distance of 5.26 feet; Thence Fifth Course: along said 100-Year Flood Line a bearing of N88°32'31"W and distance of 8.24 feet to the point of departure from said 100 year line; Thence continuing along a line with a bearing of N88°32'31"W and a distance of 20.76 feet to an intersection with the line common with lots 5 and 6 of Tittle Springs Subdivision; Thence Sixth Course: along the line common to the lots 5 and 6 of Tittle Springs Subdivision a bearing of S01°27'29"W and a distance of 45.05 feet; Thence Seventh Course: along a line with a bearing of S88°26'10"E, and a distance of 50.00 feet to the point of beginning. Said parcel of land contains 2,177.00 sq.ft/0.0500 acres, more or less. All located in Lot 5 of Tittle Springs Subdivision in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, T1N, R7E, BHM, Pennington County, South Dakota, located at 6201 Magic Canyon Road.
22. No. 05PL016 - A request by Ron Blum for Montana-Dakota Utilities Co. for a **Preliminary Plat** on Lot 1, MDU Regulator #83, located in the N1/2 Government Lot 4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as located in the unplatted portion of the N1/2 of GL3 and the N1/2 GL4 less Lots H1 & H2, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of the intersection of East Anamosa Street and Elk Vale Road on the east side of Elk Vale Road.
23. No. 05PL072 - A request by Renner and Associates for Pete Lien and Sons for a **Preliminary Plat** on Lien Tract and Lot AR, Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., legally described as Lot A, B, and C of Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., located at the old Dog Track on North Highway 79.
24. No. 05PL086 - A request by Centerline for PLM Land Development, LLC for a **Preliminary Plat** on Lots 1 through 20 located in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the property located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Catron Boulevard and Fifth Street.
25. No. 05PL087 - A request by Dream Design International, LLC for a **Preliminary Plat** on Lots 1R and Lot 8, Block 1, Lots 1 through 8, Block 10 and dedicated street, (Red Rock Meadows Subdivision), Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the beginning of the found point on the quarter corner of Section 28 and Section 29 T1N, R7E, BHM; thence S89°59'26"E 1064.51 feet; thence

S63°16'56"W 75.68 feet; thence S58°41'53"W 119.08 feet; thence S67°34'57"W 52.00 feet; thence S76°02'59"W 119.17 feet; thence S88°05'02"W 104.00 feet; thence S89°59'30"W 626.72 feet; thence N00°18'06"W 148.20 feet; to the Point of Beginning; containing 3.12 acres more or less, located at the SW1/4, Section 28, T1N, R7E, BHM, Pennington County, South Dakota, located south of the intersection of Muirfield Drive and Coghill Lane.

26. No. 05PL091 - A request by Sperlich Consulting, Inc. for Doeck LLC for a **Preliminary Plat** on Lots 18 through 26, Block 3, Auburn Hills Subdivision, a portion of land located in the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as located in the SW1/4 of the NW1/4, Auburn Hills Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the west end of Crimson Court and adjacent to Coal Bank Drive.
28. No. 05RZ038 - Second Reading, **Ordinance No. 5070**, a request by City of Rapid City for Tracy Parris for a **Rezoning from Flood Hazard District to Park Forest District** on a parcel of land located in Lot 5 of Tittle Springs Subdivision more particularly described as follows: located in the NE¼ of the SW¼ of Section 18, TIN, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel bears N09°00'28"W a distance of 814.22 feet from the southeast corner of Lot 2 of Tittle Springs Subdivision commencing at the point of beginning: Thence First Course: along the line common with lots 4 and 5 of Tittle Springs Subdivision a bearing of N01°27'29"E and a distance of 35.58 feet; Thence Second Course: along the 100-Year Flood Plain Boundary delineated from F.I.R.M. Panel 465420-0011 F a bearing of N54°55'21"W, a distance of 14.13 feet; Thence Third course: along said 100-Year Flood Boundary Line a bearing of N87°37'55"W and distance of 4.24 feet; Thence Fourth Course: along said 100-year flood line a bearing of N70°03'43"W and distance of 5.26 feet; Thence Fifth Course: along said 100-Year Flood Line a bearing of N88°32'31"W and distance of 8.24 feet to the point of departure from said 100 year line; Thence continuing along a line with a bearing of N88°32'31"W and a distance of 20.76 feet to an intersection with the line common with lots 5 and 6 of Tittle Springs Subdivision; Thence Sixth Course: along the line common to the lots 5 and 6 of Tittle Springs Subdivision a bearing of S01°27'29"W and a distance of 45.05 feet; Thence Seventh Course: along a line with a bearing of S88°26'10"E, and a distance of 50.00 feet to the point of beginning. Said parcel of land contains 2,177.00 sq.ft/0.0500 acres, more or less. All located in Lot 5 of Tittle Springs Subdivision in the NE¼ of the SW¼ of Section 18, TIN, R7E, BHM, Pennington County, South Dakota, located at 6201 Magic Canyon Road.
30. No. 05SV016 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Craig Erickson for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Crystal Dome Subdivision and dedicated right-of-way located in the E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, legally described as E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, located south of Long View Road along Radar Hill Road.
31. No. 05SV027 - A request by Renner & Associates for Pete Lien and Sons for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter,**

sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code on Lien Tract and Lot AR, Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., legally described as Lot A, B, and C of Keller Subdivision, located in the S1/2 of SE1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota., located at the old Dog Track on North Highway 79.

32. No. 05VR004 - A request by Scott Landguth for Pete Lien and Sons for a **Vacation of Section Line Highway** on the west 857.64 feet of Section Line Highway lying between the SW1/4SE1/4 of Section 17, T2N, R7E and the NW1/4NE1/4 of Section 20, T2N, R7E, all lying in BHM, Pennington County, South Dakota, located at the northwest corner of Universal Drive and North Highway 79.

Continue the following items until July 18, 2005:

33. No. 05PL041 - A request by D.C. Scott Co. Land Surveyors for Wayne Householder for a **Preliminary Plat** on Lot AR of Gravatt Subdivision, dedicated Anderson Road right-of-way and dedicated Dunn Road right-of-way and vacated 33' right-of-way located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot A of Gravatt Subdivision located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Anderson Road and Dunn Road.
34. No. 05PL048 - A request by Dream Design International for a **Layout Plat** on Lots 1-25, Black Hills Estates located in the NE1/4 and SW1/4 NW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 and SW1/4 NW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Catron Boulevard and Fifth Street.
35. No. 05PL085 - A request by Dream Design International, Inc. for a **Layout Plat** on Parcels 1 through 17, Rushmore Crossing, located in the SW1/4, Section 30 and a portion of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SW1/4, lying south of I-90 and north of the Railroad Right-of-Way, less Tract C, Section 30 and a portion of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to Eglin Street between Lacrosse Street and East North Street.
36. No. 05PL090 - A request by Sperlich Consulting, Inc. for Doeck, L.L.C. for a **Preliminary Plat** on Lots 1 through 8 and Lots 24 through 61 of Block 1, and Lots 1 through 10 of Block 2, Brookfield Subdivision, located in the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to West Nike Road.
37. No. 05SV021 - A request by D.C. Scott Co. Land Surveyors for Wayne Householder for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water, and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot AR of Gravatt Subdivision, dedicated Anderson Road right-of-way and dedicated Dunn Road right-of-way and vacated 33' right-of-way located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot A of

Gravatt Subdivision located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Anderson Road and Dunn Road.

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

Continue the following items until September 6, 2005:

39. No. 05CA015 - A request by City of Rapid City for an **Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on an approximate 55.3 acre parcel from Light Industrial to General Commercial** on the eastern most 504 feet of the SW1/4NW1/4 and the SE1/4NW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Interstate 90 and east of Elk Vale Road.
40. No. 05RZ023 - Second Reading, **Ordinance No. 5051**, a request by City of Rapid City for a **Rezoning from No Use District to General Commercial District** on the eastern most 504 feet of the SW1/4NW1/4 and the SE1/4NW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Interstate 90 and east of Elk Vale Road.
41. No. 05RZ024 - Second Reading, **Ordinance No. 5052**, a request by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on the northern most 210 feet of the SE1/4SW1/4SW1/4; the NE1/4SW1/4SW1/4; the northern most 870 feet of the SE1/4SW1/4; the E1/2 NW1/4SW1/4; the NE1/4SW1/4; the NW1/4SE1/4; and the NE1/4SE1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Interstate 90 and east of Elk Vale Road.
42. No. 05RZ025 - Second Reading, **Ordinance No. 5053**, a request by City of Rapid City for a **Rezoning from No Use District to Medium Density Residential District** on the north 200 feet of Lot 1, Neffs Subdivision #3; the eastern most 440 feet and southern most 450 feet of the SW1/4SW1/4; and the southern most 450 feet of the SE1/4SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the north 670 feet of the NE1/4NW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of East Anamosa Street and Elk Vale Road.
43. No. 05RZ026 - Second Reading, **Ordinance No. 5054**, a request by City of Rapid City for a **Rezoning from No Use District to General Commercial District** on the

SW1/4SW1/4SW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; the west 130 feet of NW1/4NW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the west 130 feet lying adjacent to RR ROW and south of RR ROW, located in the SW1/4SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the north 670 feet of the NW1/4NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of East Anamosa Street and Elk Vale Road.

44. No. 05RZ027 - Second Reading, **Ordinance No. 5055**, a request by City of Rapid City for a **Rezoning from No Use District to Office Commercial District** on the west 816 feet of the SW1/4NW1/4; the W1/2NW1/4SW1/4; and the NW1/4SW1/4SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Interstate 90 and east of Elk Vale Road.

End of Continued Items Consent Calendar

The Council President presented No. 05PL093, a request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 10 through 27, Block 4 and Lots 1 through 12, Block 5, Eastridge Estates Subdivision, located in the NE1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted land located in the NE1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to East Catron Boulevard and Enchantment Road. Johnson moved, second by Olson and carried to approve the Preliminary Plat with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, the drainage report shall be resubmitted with the Professional Engineer's seal, signature and date. In addition, the plat document shall be revised to provide drainage easements as needed; 2. Prior to Preliminary Plat approval by the City Council, a water system analysis, including source and adequacy of fire and domestic flows, shall be submitted for review and approval. In addition, the plat document must be revised to provide utility easements as needed; 3. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to redlined comments on the construction plans. In addition, the redlined drawings shall be returned to the Engineering Division; 4. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 5. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement; 6. Prior to submittal of a Final Plat application, a different street name for East Ridge Drive shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name; 7. Prior to submittal of a Final Plat application, the plat title shall be revised to read "Eastridge Estates Subdivision". In addition, the plat title shall be revised to read "located in" in lieu of "being a portion of"; and 8. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

The Council President presented No. 05SV012, a request by Dream Design International for SPF, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Freeland Meadows Subdivision, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the Government Lot 4 less right-of-way; the unplatted portion of the SE1/4 SW1/4, the unplatted balance of the S1/2 SE1/4,

Section 18, T2N, R8E, BHM, Pennington County, South Dakota, located north of Country Road east of West Nike Road. French moved, second by Hurlbut and carried to approve the Variance with the following stipulation: Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the street improvements.

French moved, second by Hurlbut and carried to Authorize Mayor and Finance Officer to sign a Waiver of Right to Protect a Future Assessment for the installation of curb, gutter, sidewalk, street light conduit, water and sewer along Country Road and West Nike Road as they abut Government Lot 4 less right-of-way; the unplatted portion of the SE1/4 SW1/4, the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, located north of Country Road east of West Nike Road.

Johnson moved, second by French and carried to reconsider No. 05CA023, a request by City of Rapid City for Tracy Parris for a **Amendment to the Comprehensive Plan to change the land use designation on a .05 acre parcel from Flood to Park Forest** on a parcel of land located in Lot 5 of Tittle Springs Subdivision more particularly described as follows: located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel bears N09°00'28"W a distance of 814.22 feet from the southeast corner of Lot 2 of Tittle Springs Subdivision commencing at the point of beginning: Thence First Course: along the line common with lots 4 and 5 of Tittle Springs Subdivision a bearing of N01°27'29"E and a distance of 35.58 feet; Thence Second Course: along the 100-Year Flood Plain Boundary delineated from F.I.R.M. Panel 465420-0011 F a bearing of N54°55'21"W, a distance of 14.13 feet; Thence Third course: along said 100-Year Flood Boundary Line a bearing of N87°37'55"W and distance of 4.24 feet; Thence Fourth Course: along said 100-year flood line a bearing of N70°03'43"W and distance of 5.26 feet; Thence Fifth Course: along said 100-Year Flood Line a bearing of N88°32'31"W and distance of 8.24 feet to the point of departure from said 100 year line; Thence continuing along a line with a bearing of N88°32'31"W and a distance of 20.76 feet to an intersection with the line common with lots 5 and 6 of Tittle Springs Subdivision; Thence Sixth Course: along the line common to the lots 5 and 6 of Tittle Springs Subdivision a bearing of S01°27'29"W and a distance of 45.05 feet; Thence Seventh Course: along a line with a bearing of S88°26'10"E, and a distance of 50.00 feet to the point of beginning. Said parcel of land contains 2,177.00 sq.ft/0.0500 acres, more or less. All located in Lot 5 of Tittle Springs Subdivision in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, T1N, R7E, BHM, Pennington County, South Dakota, located at 6201 Magic Canyon Road. The Chair recognized Tracy Parris, who indicated he had filed a CP and Rezone to correct a long-standing incorrect zoning of a portion of his property. He reported the Planning Commission agreed the City should sponsor this application because of the long-standing incorrect zoning. He explained that Growth Management and the Planning Commission agree with the CP and Rezone, except, in accordance with a City Council Policy, the CP and Rezone should be changed to follow the 500 Year Floodplain rather than the 100 Year Floodplain. Parris indicated he refuses to change the CP and Rezone. He explained that the policy in question should not be enforced by the City, because it makes no sense, generally or in his particular case. Parris was of the opinion that the City can not enforce the policy because the policy misapplies Flood Hazard District, which applies to the 100 Year Floodway, and it incorrectly applies it to the 500 Year Floodplain; the policy unlawfully discriminates against private property owners upstream from Canyon Lake; and the City unlawfully zoned the property by failing to follow State law and City Code for thirty-one years. The policy only affects property that remained unlawfully zoned at the time the policy was originally adopted in 1993. In response to questions from Alderman Kooiker, Elkins indicated the City, in conjunction with the Corp of Engineers, conducted detailed studies that identified the

hydrologic floodway in 1988. During this study, staff was aware there would be areas that would need to be mapped and the Policy would change in terms of how the City would apply the Flood Hazard Zoning District. Elkins reported a Committee was formed of Planning Commission members, Council members, and a County Commissioner, and City staff worked with this group to identify what the Policy would be and how the City would apply the Flood Hazard Zoning District as opposed to the technical issues related to the flood regulations contained in Chapter 15 - the standard FEMA kinds of applications. The Policy was adopted by Resolution by the City Council, and on two occasions, the Committee met and made revisions to the Policy. The Committee did not revise the provision that said upstream of the Canyon Lake bridge, that at that point, the standard would be set at a higher standard. Elkins explained that the recommendation that comes forward is consistent with the Policy that was developed because of the new detailed information that was coming forward. Elkins suggested the Council, if they have questions or concerns about the Policy, is to reconstitute the task force and have them re-evaluate the policy and consider potential changes. Kooiker moved, second by Hurlbut to refer No. 05CA023, a request by City of Rapid City for Tracy Parris for a Amendment to the Comprehensive Plan to change the land use designation on a .05 acre parcel from Flood to Park Forest to the Development Appeals Review Board for review and recommendation. Elkins reminded the Council that this not a technical issue, but a policy issue. The question is, does the City of Rapid City want to set a higher standard for this section of the creek than is required by FEMA. Alderman Johnson reiterated the comments of Elkins and suggested the Council errors in sending too many issues to the DARB committee, and suggested the Council needs to take Policy matters seriously. Substitute motion was made by Hurlbut, second by French to reconvene the Task Force to re-evaluate the policy on flood hazards. Upon a request from Elkins, Alderman Hurlbut amended the motion to continue No. 05CA023, a request by City of Rapid City for Tracy Parris for a Amendment to the Comprehensive Plan to change the land use designation on a .05 acre parcel from Flood to Park Forest to August 15, 2005 Council meeting. Upon a vote being taken on the motion as amended, motion carried with Murphy voting NO.

Johnson moved, second by French and carried to reconsider No. 05RZ038, second reading of **Ordinance No. 5070**, a request by City of Rapid City for Tracy Parris for a **Rezoning from Flood Hazard District to Park Forest District** on a parcel of land located in Lot 5 of Tittle Springs Subdivision more particularly described as follows: located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, TIN, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel bears N09°00'28"W a distance of 814.22 feet from the southeast corner of Lot 2 of Tittle Springs Subdivision commencing at the point of beginning: Thence First Course: along the line common with lots 4 and 5 of Tittle Springs Subdivision a bearing of N01°27'29"E and a distance of 35.58 feet; Thence Second Course: along the 100-Year Flood Plain Boundary delineated from F.I.R.M. Panel 465420-0011 F a bearing of N54°55'21"W, a distance of 14.13 feet; Thence Third course: along said 100-Year Flood Boundary Line a bearing of N87°37'55"W and distance of 4.24 feet; Thence Fourth Course: along said 100-year flood line a bearing of N70°03'43"W and distance of 5.26 feet; Thence Fifth Course: along said 100-Year Flood Line a bearing of N88°32'31"W and distance of 8.24 feet to the point of departure from said 100 year line; Thence continuing along a line with a bearing of N88°32'31"W and a distance of 20.76 feet to an intersection with the line common with lots 5 and 6 of Tittle Springs Subdivision; Thence Sixth Course: along the line common to the lots 5 and 6 of Tittle Springs Subdivision a bearing of S01°27'29"W and a distance of 45.05 feet; Thence Seventh Course: along a line with a bearing of S88°26'10"E, and a distance of 50.00 feet to the point of beginning. Said parcel of land contains 2,177.00 sq.ft/0.0500 acres, more or less. All located in Lot 5 of Tittle Springs Subdivision in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, TIN, R7E, BHM, Pennington County, South

Dakota, located at 6201 Magic Canyon Road. Motion was made by Johnson, second by Olson to continue to the August 15, 2005 Council meeting. Motion carried with Murphy voting NO.

CONSENT CALENDAR ITEMS – 45-84

The following items were removed from the Consent Calendar:

45. No. PW053105-02, acknowledge the East Boulevard median (south of Post Office) improvement recommendations report as prepared.
46. Add the ADA curb compliance in the area of West Middle School project to the Public Works Unidentified Funding Projects List.
84. No. 05VE006 - A request by Britton Engineering for B & G Sundby for a **Vacation of Minor Drainage Easement** on Lot B of Lot 14, less north 80 feet of east 255 feet, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located between the south side of Harmony Lane and the north side of Leland Lane.

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

Public Works Committee Consent Items

47. Add the Mill and Overlay of E. Signal Drive and Kellogg project to Public Works Unidentified Funding Projects List.
48. Authorize staff to solicit requests for proposals for Hay contract for City property, various locations.
49. No. CC060605-02 Approve the bid award of Lemmon Avenue Reconstruction Phase II Project No. ST04-1437; CIP #50120 to Highmark, Inc. in the amount of \$709,729.40.
50. No. PW061405-01 Approve Change Order No. 1F for the Eleventh Street Sanitary Sewer Reconstruction Project No. SS04-1421 to Simon Contractors for an increase of \$2,996.00.
51. No. PW061405-02 Approve Change Order No. 1F for the Sheridan Lake Road Sidewalk Project No. MIP05-1457 to Tru-Form Construction, Inc. for an increase of \$325.00.
52. No. PW061405-03 Authorize staff to advertise for bids for East Saint Charles Street Water Main Extension Project No. W05-1476; CIP #50585.
53. No. PW061405-04 Authorize staff to advertise for bids for Rapid City Public Library Roof Replacement, Project No. IDP05-1516; CIP #50098.
54. No. PW061405-05 Authorize the Mayor and Finance Officer to sign a Maintenance and Financial Agreement with South Dakota Department of Transportation for the Exit 60 Landscaping project on I90 and US16B as part of Project Number IM-P 90-2(134)59-PCN 00DZ for an estimated cost share of \$16,824.00.
55. No. PW061405-06 Authorize the Mayor and Finance Officer to sign a Letting, Financial and Maintenance/Encroachment Agreement with the State of South Dakota for Federal-Aid Highway Improvement Project NH-PH 2016 located on Cambell St. between Minnesota Ave. and Fairmont Blvd. for an estimated cost share of \$8,233.00.
56. No. PW061405-07 Approve a Request to solicit proposals for the Elm Avenue Water Main Rehabilitation, Project No. W05-1517; CIP #50480.
57. No. PW061405-08 Approve a Request for Permission to purchase from State Contract Proposal #22069; miscellaneous sign posts and related hardware as needed.

58. No. 05VE004 Approve with stipulations, a Vacation of Utility Easement for petitioner Semmler Manufacturing for Carolyn Linn on Lot 1, Block 1 and Lot A of Lot 1, Block 5, Rushmore Regional Industrial Park, located in the SE 1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Concourse Drive.

RESOLUTION OF VACATION
OF NON-ACCESS EASEMENT

WHEREAS the Rapid City Council held a public hearing on the 22nd day of June, 2005 to consider the Vacation of a Non-access Easement on Lot 1, Block 1 and Lot A of Lot 1, Block 5, Rushmore Regional Industrial Park, located in the SE 1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, is not needed for public purpose; and

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

NOW, THEREFORE, BE IT RESOLVED by the Rapid City Council, that the portion of the non-access easement heretofore described, and as shown on Exhibit "A", attached hereto and incorporated herein by this reference be and hereby is vacated.

Dated this 22nd day of June, 2005.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

59. No. PW061405-10 Require Scott Nash, developer of The Meadows Subdivision to stripe Elm Street in accordance with the striping on Elm Street to the north that was in place prior to the restriping that was subsequently removed.

Legal & Finance Committee Consent Items

60. Declare Daryl and Paula Meendering of Hull, Iowa, a farmer's market and authorize them to work with staff on finding a suitable location and time to sell their produce.
61. No. LF061305-01 Approve Event Permit for Alex Johnson Hotel to use loading zone parking from June 23-26, 2005.
62. No. LF061305-02 Approve Event Permit for Alex Johnson Hotel to use loading zone parking from August 4-14, 2004.
63. No. LF061305-03 Approve Travel Request for Rich Broderick and Joe Tjaden to attend Advanced Haz-Mat Technician Course in Pueblo, CO, October 17-21, 2005, in the approximate amount of \$3,970.84.
64. Approve Travel Request for Rapid City Department of Fire and Emergency Services to send 6 persons to the International Association of Fire Chiefs Convention in Denver, CO, from August 11-13, 2005, in the approximate amount of \$5,900.

65. No. LF061305-04 Authorize Mayor and Finance Officer to sign the Sub-recipient Contract for Community Development Block Grant (CDBG) Funding between the City of Rapid City and Youth and Family Services for an amount not to exceed \$15,405.
66. No LF061305-05 Authorize Mayor and Finance Officer to sign the Sub-recipient Contract for Community Development Block Grant (CDBG) Funding between the City of Rapid City and Catholic Social Services for an amount not to exceed \$14,537.
67. No. LF061305-06 Authorize Mayor and Finance Officer to sign the Sub-recipient Contract for Community Development Block Grant (CDBG) Funding between the City of Rapid City and the Rapid City Club for Boys for an amount not to exceed \$49,896.
68. No. LF061305-07 Authorize Mayor and Finance Officer to sign the City of Rapid City Indenture of Restrictive Covenants between the City of Rapid City and the Rapid City Club for Boys.
69. No. LF061305-08 Authorize Mayor and Finance Officer to sign the Sub-recipient Contract for Community Development Block Grant (CDBG) Funding between the City of Rapid City and Court Appointed Special Advocates (CASA) for an amount not to exceed \$5,000.
70. No. LF061305-09 Authorize Mayor and Finance Officer to sign the Sub-recipient Contract for Community Development Block Grant (CDBG) Funding between the City of Rapid City and Lutheran Social Services – Stepping Stones Program for an amount not to exceed \$3,760.
71. No. LF061305-10 Authorize Mayor and Finance Officer to sign the Sub-recipient Contract for Community Development Block Grant (CDBG) Funding between the City of Rapid City and YMCA – Star Village Outreach Center for an amount not to exceed \$14,869.
72. No. LF061305-11 Approve the Consolidated Annual Performance and Evaluation Report (CAPER – Fiscal Year 2004).
73. No. LF061305-12 Authorize Mayor and Finance Officer to sign a Waiver of Right to Protest a Future Assessment for the installation of curb, gutter, sidewalk, street light conduit and additional pavement along Reservoir Road as it abuts the legally described property of Lot 3 of Block 22 of Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota.
74. No. LF061305-13 Authorize signature of an agreement with A–1 Construction, Inc. for painting of room number 223 in the amount of \$250.00.
75. No. LF061305-14 Approve Travel Request for Linda Foster, Future Land Use Planner, Growth Management Department, to attend the Urban Travel Demand Forecasting Course in Asheville, NC, July 25-29, 2005, in the approximate amount of \$2,166.19.
76. No. LF061305-16 Approve Travel Request for Assistant Finance Officer Coleen Schmidt to attend AICPA National Governmental Accounting & Auditing Update in Phoenix, AZ, from September 26-28, 2005, in the approximate amount of \$1,824.
77. No. LF061305-17 Approve Travel Request for Dirk Jablonski, Jerry Wright, Dan Coon, Ted Vore and Rod Johnson to attend the 2005 APWA International Public Works Congress and Exposition in Minneapolis, MN, September 11-14, 2005, in an approximate amount of \$7,237.40.
78. Approve the following licenses: Residential Contractor: Keith Sarkinen, K S Residential Construction Inc.; Electrical Apprentice: Donovan He Crow, Ryan Pettit, Chad Boyd, David Stewart, Timothy Jackson, Tyler Zubrod, Kalvin Eisenbraun, Dustin C Baertsch, Allen Fisher, Jody P Millage, William Suster; Electrical Contractor and Master: Jess Studt, Studt Electric; Trenching Journeyman: Brian Beka, Claude “Jim” Keyworth.

Growth Management Department Consent Items

79. 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. (APPROVE LAYOUT AND PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for Reservoir Road and Long View Road. In particular, the road construction plans shall show the street constructed with curb, gutter, sidewalk, street light conduit and additional pavement or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for the access and utility easements shown on the plat. In particular, the road construction plans shall show the street constructed with a minimum 49 foot wide right-of-way and a minimum 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained. 3. Prior to Preliminary Plat approval by the Planning Commission, a Master Plan for the unplatted remaining balance to the north of the proposed plat shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval; 5. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings and shall be submitted for review and approval. In addition, the redlined drawings shall be returned to the Growth Management staff; 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. Prior to Preliminary Plat approval by the City Council, the applicant shall submit documentation demonstrating the legal entity responsible for providing street maintenance and snow removal on the proposed access easements for review and approval; 8. Upon submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Reservoir Road and Long View Road or a Variance to the Subdivision Regulations shall be obtained; 9. Upon submittal of the Final Plat application, the plat document shall be revised to show 17 feet of additional right-of-way being dedicated along Long View Road and access restrictions shall be more clearly identified along Reservoir Road and Long View Road; and, 10. 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.)

- 80. No. 05AN005 - A request by Dream Design International, LLC for a **Petition for Annexation** beginning at a found point on the quarter corner of Section 28 and Section 29 T1N, R7E, BHM; thence S89°59'26"E 1064.51 feet; thence S63°16'56"W 75.68 feet; thence S58°41'53"W 119.08 feet; thence S67°34'57"W 52.00 feet; thence S76°02'59"W 119.17 feet; thence S88°05'02"W 104.00 feet; thence S89°59'30"W 626.72 feet; thence N00°18'06"W 148.20 feet; to the Point of Beginning; containing 3.12 acres more or less, located at the SW1/4, Section 28, T1N, R7E, BHM, Pennington County, South Dakota, located south of the intersection of Muirfield Drive and Coghill Lane. (APPROVE THE PETITION FOR ANNEXATION WITH THE FOLLOWING STIPULATIONS: That any payment due to the Whispering Pines Volunteer Fire District being paid by the City of Rapid City.)

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS, a petition, signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed, has been filed with the City; and,

WHEREAS, the territory that the petitioners are seeking to have annexed is contiguous to the City of Rapid City; and,

WHEREAS the City Council of the City of Rapid City deems it to be in the best interest of the City that the within described territory be annexed and thereby included within the corporate limits of the City.

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 3.12 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

beginning at a found point on the quarter corner of Section 28 and Section 29 T1N, R7E, BHM; thence S89°59'26"E 1064.51 feet; thence S63°16'56"W 75.68 feet; thence S58°41'53"W 119.08 feet; thence S67°34'57"W 52.00 feet; thence S76°02'59"W 119.17 feet; thence S88°05'02"W 104.00 feet; thence S89°59'30"W 626.72 feet; thence N00°18'06"W 148.20 feet; to the Point of Beginning; containing 3.12 acres more or less, located at the SW1/4, Section 28, T1N, R7E, BHM, Pennington County, South Dakota

Dated this 22nd day of June, 2005.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 81. No. 05PL036 - A request by Sperlich Consulting for Triple Z Real Estate Development for a **Layout Plat** on Lots 8-12 of Block 8, Lots 5-9 of Block 9, Lots 17-30 of Block 10, Lots 4-18 of Block 11, Lots 1-10 of Block 12, Lots 1-14 of Block 13, Lots 1-8 of Block 14, Lots 1-6 of Block 15, Lots 1-3 of Block 16 and Lots 1-3 of Block 17 all located in Elks Country

Estates, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the current southern terminus of Jolly Lane. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a revised Master Plan shall be submitted for review and approval. In particular, the Master Plan shall be revised to show the minor arterial street located in the southeast corner of the property as per the Major Street Plan and a road connection through the southern portion of the property to the west lot line; 2. Upon submittal of a Preliminary Plat application, a Phasing Plan shall be submitted for review and approval; 3. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval; 4. 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; 5. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall demonstrate accommodation for the Cyclone Ditch located through the property. In addition, the plat document shall be revised to provide drainage easements as necessary; 6. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 7. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 8. Upon submittal of a Preliminary Plat application, road construction plans for Forest Oaks Court and Grey Hawk Court 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; 9. Upon submittal of a Preliminary Plat application, road construction plans for Castle Pines Drive and LaCosta Drive shall be submitted for review and approval. In particular, the streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 10. Upon submittal of a Preliminary Plat, road construction plans for Padres Drive, Augusta Drive and Turtle Bay Drive shall be submitted for review and approval. In particular, the road construction plans shall show the streets located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 11. Upon submittal of a Preliminary Plat, road construction plans for Jolly Lane shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 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; 12. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the south line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway

located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highways shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way. In addition, the south half of the section line highway shall be vacated by the County Board of Commissioners or annexed into the City limits and, subsequently, vacated by the City Council. A Comprehensive Plan Amendment to the Major Street Plan shall also be obtained relocating the proposed minor arterial street; 13. Upon submittal of a Preliminary Plat, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the subject property as well as to adjacent properties; 14. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met; 15. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 16. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide a street connection to the Southeast Connector as a part of Phase One of the development or the right-of-way shall be dedicated as an "H" Lot or on a separate plat document or an Exception to allow 409 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual shall be obtained; 17. Prior to submittal of a Final Plat application, the connector street to the Southeast Connector shall be constructed and the Southeast Connector shall be constructed and operational or an Exception to allow 409 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual shall be obtained; 18. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along the section line highway, a minor arterial street, or a Variance to the Subdivision Regulations shall be obtained; 19. Prior to submittal of a Final Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual; 20. Prior to submittal of a Final Plat application, the applicant shall submit different street names for Forest Oak Court, Grey Hawk Court, Castle Pines Drive and Turtle Bay Drive shall be submitted to the Emergency Services Communication Center for review and approval. In addition, Castle Pines Drive and Grey Hawk Court shall share a single name. Turtle Bay Drive shall also be re-named Ironwood Lane as it extends through the subdivision. Staff is recommending that prior to submittal of a Final Plat, different street names be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names and revised street names as identified; 21. Prior to submittal of a Final Plat application, the plat document shall be revised re-labeling Lot 1 of Block 12 and submitted to the Register of Deed's Office for review and approval; and, 22. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

82. No. 05PL079 - A request by Sperlich Consulting for John Kharouf for a **Preliminary Plat** on Lots A and B of Lot 1, North 80 Subdivision, Located in Government Lot 2, SW1/4 of the NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota,

legally described as Lot 1, North 80 Subdivision, located in Government Lot 2, SW1/4 of the NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of Fifth Street and East Stumer Road. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to issuance of a Building Permit, a Planned Commercial Development - Initial and Final Development Plan shall be approved; 2. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that access will be provided to the proposed fire hydrant or show the hydrant located in a location accessible by fire department apparatus; 3. All applicable provisions of the International Fire Code shall be continually met; and, 4. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

83. No. 05PL092 - A request by Kadrmaz, Lee and Jackson for Pine Crest Village for a **Layout Plat** on Lot 2, Block 1, Pine Crest Village Addition located in the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land lying in the SW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, described more particularly as follows: commencing at the southeast corner of Lot 12, Block 6, of the plat of Lots 1 and 2 of Block 5, and Lot 12 of Block 6, Auburn Hills Subdivision; thence from said corner of S00°06'59"W for 100.20 feet to the point of beginning; thence from said point of beginning S86°46'09"E for 310.31 feet; thence S00°11'06"W for 285.66 feet; thence S89°53'47"W for 310.03 feet; thence N00°12'53"E for 303.71 feet to the point of beginning, said tract contains 2.097 acres, and, a tract of land lying in the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: commencing at the southeast corner of Lot 12, Block 6, of the plat of Lots 1 and 2 of Block 5, and Lot 12 of Block 6, Auburn Hills Subdivision which is the point of beginning; thence from said point of beginning S00°06'59"W for 100.20 feet; thence S00°12'53"W for 303.71 feet; thence S00°17'45"W for 263.17 feet; thence S89°57'16"W for 311.95 feet; thence N00°11'03"E for 300.82 feet; thence along a curve to the right with a delta angle of 40°01'24", a radius of 174.00 feet and an arc length of 121.55 feet; thence N 40°12'27"E for 137.94 feet; thence along a curve to the left with a delta angle of 40°01'48", a radius of 226.00 feet and an arc length of 157.90 feet; thence N00°10'4"E for 3.16 feet; thence N89°41'05"E for 130.11 feet to the point of beginning, said tract contains 3.975 acres, located at the southern end of Chalkstone Drive. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan, as well as an erosion and sediment control plan, shall be submitted for review and approval. In particular, the drainage plan shall incorporate the local or regional facilities in order to detain flows to pre-developed flow rates. In addition, the drainage plan shall demonstrate that fill along the north side of the property does not impact detention pond capacities. The plat document shall be revised to provide drainage easements as needed; 2. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of private and public utilities through the subject property as well as to adjacent properties; 3. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval; 4. Upon submittal of a Preliminary Plat application, sewer utility 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; 5. Upon submittal of a Preliminary Plat application, water utility 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 water system model and report of the water distribution system shall be submitted for review and approval demonstrating that adequate flows and pressures are being provided to serve the development; 6. Upon submittal of a Preliminary Plat application, road construction plans for Chalkstone Drive shall be submitted for review and approval. In particular, Chalkstone Drive 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, a complete structural site plan showing existing structures, utilities, etc. shall be submitted for review and approval; 8. An Exception is hereby granted to allow 48 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual; 9. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along Chalkstone Drive except for approved approach location(s); 10. Upon submittal of a Preliminary Plat application, a subdivision cost estimate shall be submitted for review and approval; and, 11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

END OF CONSENT CALENDAR

Johnson moved, second by Olson and carried to (No. PW053105-02) acknowledge the East Boulevard median (south of Post Office) improvement recommendations report as prepared.

The next issue discussed is adding the ADA curb compliance in the area of West Middle School project to the Public Works Unidentified Funding Projects List. Alderman Kooiker indicated this is a citizen concern regarding the lack of wheel chair compliant curb cuts in the area of West Middle School, specifically from 38th Street to 44th Street. Kooiker suggested this project be added to a Miscellaneous Improvements Projects list. Kooiker pointed out that due to ADA compliance issues and the parameters set forth in the Transition Plan, the City needs to address these long-standing issues. Kooiker moved, second by French to add the ADA curb compliance in the area of West Middle School project 38th to 44th Streets to the next available Miscellaneous Improvements list. Responding to a concern expressed by Alderman Olson, Public Works Jablonski indicated that City staff has not visited with the School District. Substitute motion was made by Johnson, second by Hurlbut to request staff to visit with the School District to identify the projects that are City related projects, and bring back a recommendation. Alderman Chapman indicated that he is in discussions with the School District about the Safe Streets Initiative in the area of West Middle School. Upon a vote being taken on the substitute motion, motion carried.

The Council President presented No. 05VE006, a request by Britton Engineering for B & G Sundby for a **Vacation of Minor Drainage Easement** on Lot B of Lot 14, less north 80 feet of east 255 feet, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located between the south side of Harmony Lane and the north side of Leland Lane. Elkins indicated the only issue before the Council is that related to the vacation of the drainage easement, and based on a technical assessment of the easement, staff is recommending

approval of the vacation. She explained that this is part of a much more controversial development that has been through the planned development process and was denied. The applicant is now pursuing a building permit that would be for permitted uses on the site. Elkins indicated this issue must be resolved in order for them to pursue and complete the permit application. Andy Meier, 1629 32nd Street indicated this drainage easement is critical during heavy rain events. Meier explained that his yard can be under water and within an hour clear, because this area drains the water away. Marilyn Sackreiter, 1701 32nd Street indicated her concern about the drainage problem and suggested more the problem may be on Dover Street. Bud Johnson, 3316 Leland Lane indicated this is just a small part of the drainage situation that comes from Dover Street. Cleland Battista, 3322 Leland Lane indicted the vacation relates to the development, suggested this is a bigger issue and encourage the Council to visit the area and look at where the drainage starts. Steven Brenden, 3310 Harmony Lane presented the Council with a Petition of 148 signatures asking the Council not to vacate the drainage easement. He reported drainage from developments above their homes increase their drainage problems. He pointed out an engineering study was done for only the property in question, but may not have taken into consideration adjoining properties. Brenden also indicated this drainage easement helps with a high water table in this area. Denise Podoll, 3309 Harmony Lane indicated she has a private well that is nearly dry, but in the early 1990's it was full. Rick Robertson, 3245 Harmony Lane reported owning his property since 1973 and in 1977, while digging footings for a home addition, he encountered running water between thirty-six and forty-two inches. Robertson questioned the depths of the footings for a proposed apartment on this property. Veda Wojciechowski, 4229 Minnekahta Drive reiterated the concerns of her neighbors and suggested the vacation of the easement will create more problems. Robert King, 3302 Harmony Lane also reiterated the same concerns and reported in 1995 his basement flooded. He asked the Council to consider their action. With the aid of an aerial photo, Hurlbut suggested the drainage easement would funnel drainage into someone's back yard. He indicated that with any Planned Development that were to be built on this parcel, would actually be more stringent in drainage requirements. Elkins responding to a question from Alderman Hurlbut indicated a Planned Development would include better drainage than what the drainage easement provides. She explained that a Planned Development was submitted, but was denied. Bobby Sundby explained that City staff indicated this is a non-issue, and suggested the drainage will be better because there will be storm sewers. Sundby reported the water table is eleven feet, and that there will be no basement for the proposed apartment. He pointed out the entire south boundary of the property is a drainage easement. Sundby requested approval with the stipulation that these things are clarified by the engineers, who are the experts and have reviewed this extensively. Alderman Olson addressed the Council explaining she is familiar with the neighborhood, and the water table that is part of the area is generally very high. While not designated as a flood area, it has historically been the site for a number of drainage issues. Olson indicated she could not support the vacation of the drainage easement, because the larger issue of drainage is extremely important to the neighbors and those that live throughout the area. Olson suggested the City can not ignore the fact, that with the development, the possibility of both endangering the safety of the residents of this area, as well as the value of their property. Motion was made by Olson to deny a request by Britton Engineering for B & G Sundby for a Vacation of Minor Drainage Easement. Second by French. Alderman Hadley suggested there is a bigger issue than just drainage. He pointed out this area is over-built with narrow streets that make it difficult to drive when there is on-street parking. He believed it unfair to vacate the easement to allow someone to build something that would impact others' properties. Alderman Johnson suggested a Planned Development overlay would have been more appropriate. Alderman Hurlbut offered an endorsement of the Planned Development

overlay, but suggested he did not wish to deny someone the use of their property. Hurlbut suggested the item be denied without prejudice so that a proposal can be submitted outlining the property use and drainage engineering. Responding to a request from Alderman Hurlbut, Elkins explained the applicant could amend the site plan to move the structures and improvements out of the easement; and as such could be issued a building permit. Substitute motion was made by Hurlbut, second by Murphy to deny without prejudice a request by Britton Engineering for B & G Sundby for a Vacation of Minor Drainage Easement. Responding to a question from Alderman Johnson, Elkins explained to deny without prejudice saves the applicant's Twenty-Five Dollar application fee. Upon a vote to deny without prejudice, motion carried.

Hadley moved, second by Chapman and carried to reconsider No. PW061405-10, requiring Scott Nash, developer of The Meadows Subdivision to stripe Elm Street in accordance with the striping on Elm Street to the north that was in place prior to the restriping that was subsequently removed. The Chair recognized Scott Nash, who asked for clarification and explained there had been no pavement striping before the City installed and then was directed to remove the pavement striping. Public Works Director Jablonski explained there was no striping prior to the latest striping. Once the City removes the three-lane configuration, other than the Elm/Minnesota Street intersection with the turn lanes, the City will not restripe Elm Street with a center line. Motion was made by Hurlbut, second by Waugh that Scott Nash, developer of The Meadows Subdivision, not be required to stripe Elm Street. Motion carried.

ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

The Council President announced the meeting was open for hearing on the listed applications for Alcoholic Beverage Licenses to operate within the City of Rapid City, South Dakota. City Attorney Green noted that NPC International, Inc. dba Pizza Hut #2778, 705 East North Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery has withdrawn their application as they have closed this business. Chapman moved, second by French and carried to close the public hearing.

Chapman moved, second by Murphy to approve the following alcohol license applications, with the following exception:

96. NPC International, Inc. dba Pizza Hut #2778, 705 East North Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery

Substitute motion was made by Johnson, second by French and carried to consider the following after the Executive Session:

Retail (On Sale) Liquor License Transfer

106. Catering By Marlin's Inc., dba **Marlin's Roadhouse**, 2803 Deadwood Avenue for a Retail (On Sale) Liquor License Transfer from Loretta Jo Heck dba Jo's Lounge (inactive)

Chapman moved, second by Olson and carried to approve the following alcohol license applications, with the following exception:

96. NPC International, Inc. dba **Pizza Hut #2778**, 705 East North Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery

Package (Off-Sale) Malt Beverage License

- 85. B & L, Inc. dba **Boyd's Liquor Mart**, 2001 West Main Street for a Package (Off Sale) Malt Beverage License
- 86. B & L, Inc. dba **Boyd's Liquor Mart**, 909 East St. Patrick Street for a Package (Off Sale) Malt Beverage License
- 87. Mini Mart, Inc. dba **Mini Mart #444**, 1627 Mt. Rushmore Road for a Package (Off Sale) Malt Beverage License
- 88. Mini Mart, Inc. dba **Mini Mart #447**, 1601 N. Haines Avenue for a Package (Off Sale) Malt Beverage License
- 89. Mini Mart, Inc. dba **Mini Mart #451**, 4260 Canyon Lake Drive for a Package (Off Sale) Malt Beverage License

Retail (On-Off Sale) Malt Beverage License with Video Lottery

- 90. Angies, Inc. dba **Angies**, 1028 East North Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
- 91. Wilburn Powers, Inc. dba **Horseshoe Bar**, 1407 ½ East North for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
- 92. WR Rapid City Ventures, LP dba **Oakleaf Beer Garden**, 2211 North LaCrosse Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery

Retail (On-Off Sale) Malt Beverage License WITHOUT Video Lottery

- 93. Black Hills Food Services, Inc. dba **Fuddruckers**, 2200 North Maple Avenue for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 94. GF Pizza, Inc. dba **Godfathers Pizza**, 110 Cambell Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 95. Dan Trieu Ly dba **Golden Fortune**, 1204 East North Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 97. NPC International, Inc. dba **Pizza Hut #2777**, 2005 Mt. Rushmore Road for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 98. NPC International, Inc. dba **Pizza Hut #2776**, 2604 West Main Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 99. Faryat, Inc. dba **Botticelli's Ristorante Italiano**, 523 Main Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 100. Museum Alliance of Rapid City, Inc. dba **The Journey Museum**, 222 New York Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 101. Rapid City Softball Association dba **Rapid City Softball Association**, Star of the West softball complex, 1500 Sedivy Lane for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 102. Ristorante Marsala, LLC dba **Ristorante Marsala**, 609 Main Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 103. Dick & Waneta Ragels dba **Meadowbrook Grill & Pub**, 3625 Jackson Blvd. for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 104. Waneta & Dick Ragels dba **Executive Golf Course**, 200 12th Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 105. Chrisbro, LLC dba **Hampton Inn**, 1720 Rapp Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery

Retail (On-Off Sale) Malt Beverage License WITHOUT Video Lottery (New)

107. Chris Emme, Lee Ann Emme, Jenneye Sartorius dba **S & E Investments**, 3300 North Deadwood Avenue for a Retail (On-Off Sale) Malt Beverage License without Video Lottery

Hadley moved, second by Waugh and carried to acknowledge the application withdrawal from NPC International, Inc. dba **Pizza Hut #2778**, 705 East North Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery.

Set for Hearing (July 5, 2005)

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

Special Wine License

108. **CASA Program, 7th Circuit Rapid City** for a special Wine License to be used on July 15, 2005 at Cobbled Rue Intevieuv, 1141 Deadwood Avenue

Retail (On-Off Sale) Malt Beverage License WITHOUT Video Lottery (New)

109. Manna, Inc. dba **Roadhouse Nightclub & Grill**, 1900 N. Maple Avenue for a Retail (On-Off Sale) Malt Beverage License without Video Lottery

Retail (On-Off Sale) Malt Beverage License WITHOUT Video Lottery (Renewal)

110. Los Espinos LLC dba **LaCosta Mexican Restaurant**, 603 Omaha for a Retail (On-Off Sale) Malt Beverage License without Video Lottery

Retail (On-Sale) Wine License

111. Manna, Inc. dba **Roadhouse Nightclub & Grill**, 1900 N. Maple Avenue for a Retail (On-Sale) Wine License

Retail (On-Off Sale) Malt Beverage License with Video Lottery (Renewal)

112. High Plains Securities, Inc. dba **Down Under Sports Bar**, 504 Mt. Rushmore Road for a Retail (On-Off Sale) Malt Beverage License with Video Lottery (Inactive)

ITEMS FROM THE MAYOR

Kooiker moved, second by Waugh to approve an expenditure of \$10,000 to the Ellsworth Task Force from Council Contingency. Motion carried.

Kooiker moved, second by Johnson to establish a meeting time for the July 5, 2005 Council meeting at 6:30 P.M. Motion carried.

ITEMS FROM COUNCIL MEMBERS/LIAISON REPORTS

Alderman Kooiker addressed the procedures for handling requests for tapes of meetings explaining that last week a tape was not released upon request by a citizen. Kooiker suggested it has been customary for a very long time to release tapes of City meetings to anyone who asks, including Council members. Kooiker requested to have a copy of that tape from the June 13 Legal & Finance meeting, indicating that it should be released and at the very least, the minutes should be very, very complete regarding those particular items because of the apparent

controversy which he still had not figured out that's involved. Kooiker asked for the status of when the meetings will be available on the internet; upon which Finance Officer Preston indicated he would have a report at Public Works and Legal and Finance Committee meetings. Kooiker commented that when the streaming audio is available on the internet, then his issue becomes a moot point, because it will become easy for citizens to access the audio of the meetings. Kooiker asked again, that that tape be released at once to the individuals who requested it and to him. City Attorney Green explained it is absolutely not the long-standing practice of the City Attorney's Office to make available the tapes that the secretary uses to prepare the minutes for the Legal and Finance Committee meetings. In fact, it is the City Attorney's Office long-standing practice to keep a very tight hold on those because they are not of the same quality as the audio/video equipment that is in the Chamber that is broadcast on television. Green indicated that without reference to the notes that accompany those tapes, there is a very real possibility that the audio on those tapes could be misleading. As to the party making the request, Green explained that another part of the City Attorney's Office long-standing practice is that if someone wants to listen to the tape, the tape is made available in the office for them to come in and listen to it. Green pointed out that the tape was made available to Lazy P-6, and their attorney came in and took advantage of that and it is believed they got the information they were seeking. With regard to the quality of the minutes, Green explained those are approved by the body and if any member feels that the minutes do not accurately reflect contents of the meeting, they can certainly ask the body to not approve them and ask for more detail. Green indicated that if the Council wants to direct copies of notes and tapes that are used to prepare official documents, be released, the City Attorney's Office will certainly comply with that request. Green did not believe it in the best interest of the City to routinely make those types of documents available, when the official records of the meetings are the minutes. Alderman Johnson pointed out there has been some reference about a controversial issue discussion; and suggested it was not a controversy but there was discussion on how to proceed on an issue regarding TIF's and TIF options. Kooiker explained he had always been able to obtain copies of the Legal & Finance Committee tapes in the past as well as other meetings. Because of his work, Kooiker explained this does not allow him to attend all meetings or come to City Hall to listen to tapes. Alderman Hurlbut stated this has nothing to do with denying access, and there is no indication of any conspiracy. The audio tapes are available for listening and video tapes are also available for copying and the streaming video will soon be available. Hurlbut indicated this is open and honest government. Hurlbut moved, second by French to acknowledge the discussion of the procedures for handling requests for tapes of meetings. Discussion continued about access to available recording media. Question was called by Waugh, second by French and carried. Upon a vote being taken on the motion to acknowledge, motion carried.

Hadley moved, second by Waugh to table Amending Section 16.04.320 of the Rapid City Municipal Code Regarding Transfer or Sale of Land under 40 Acres discussion. Motion carried.

Alderman Kooiker addressed the Crosswalk Safety Issues on St. Patrick Street near Golden Acres Mobile Home Court reporting an individual, who lives in the mobile home court, contacted him with their concerns. Kooiker indicated the Police Department has also expressed concern about the safety of this area. Kooiker explained there is a flashing yellow light and a sign suggesting blind pedestrian are able to cross this busy street. He suggested this is not a safe crossing for anyone. Kooiker moved, second by Waugh to direct the Police Department and Public Works Department to assess this issue and bring forward a recommendation at the next Public Works Committee meeting. Motion carried.

BID AWARDS

The following companies submitted bids for No. CC062005-01 38th Street Pedestrian Bridge Replacement Project No. MIP05-1477 / CIP No. 50550 opened June 20, 2005: SECO Construction, Inc., R. C. S. Construction, Inc., Heavy Constructors, Inc., Lost Cabin – Lipp Construction LLC., Corr Construction Services, Inc., Scull Construction Service, Inc., and McCarthy Anderson, Inc. Staff reviewed the bids and recommends the award to Corr Construction Services, Inc. Johnson moved, second by Olson and carried to approve the bid award of 38th Street Pedestrian Bridge Replacement Project No. MIP05-1477 / CIP No. 50550 to the lowest responsible bidder meeting specifications, Corr Construction Services, Inc., for the low unit prices bid for a total contract amount of \$47,600.00.

The following companies submitted bids for No. CC062005-01 North 39th Street and Clover Street Reconstruction Project No. STCM05-1455 / CIP No. 50409 opened June 20, 2005: Mainline Contracting, Inc., Shovelhead Excavating, Inc., Hills Materials Company, Simon Contractors of South Dakota, Inc., and Heavy Constructors, Inc. Staff reviewed the bids and recommends the award to Hills Materials Company. Johnson moved, second by Waugh and carried to approve the bid award of North 39th Street and Clover Street Reconstruction Project No. STCM05-1455 / CIP No. 50409 to the lowest responsible bidder meeting specifications, Hills Materials Company, for the low unit prices bid for a total contract amount of \$198,850.00.

The following companies submitted bids for No. CC062005-01 Franklin Street Reconstruction Project No. ST04-1363 / CIP No. 50310 opened June 20, 2005: Mainline Contracting, Inc., Hills Materials Company, Simon Contractors of South Dakota, Inc., and Heavy Constructors, Inc. Staff reviewed the bids and recommends the award to Hills Materials Company. French moved, second by Waugh and carried to approve the bid award of Franklin Street Reconstruction Project No. ST04-1363 / CIP No. 50310 to the lowest responsible bidder meeting specifications, Hills Materials Company, for the low unit prices bid for a total contract amount of \$524,740.00.

The following companies submitted bids for No. CC062005-01 Milwaukee Street Improvements Project No. SSW02-1196 / CIP No. 50337 opened June 20, 2005: Mainline Contracting, Inc., Shovelhead Excavating, Inc., Hills Materials Company, and Simon Contractors of South Dakota, Inc. Staff reviewed the bids and recommends the award to Hills Materials Company. French moved, second by Johnson and carried to approve the bid award of Milwaukee Street Improvements Project No. SSW02-1196 / CIP No. 50337 to the lowest responsible bidder meeting specifications, Hills Materials Company, for the low unit prices bid for a total contract amount of \$378,020.90; contingent upon approval of the South Dakota Department of Transportation,

The following companies submitted bids for No. CC062005-01 Regenerative Air Sweeper for the Streets Division opened June 16, 2005: Sheehan Mack Sales, Sanitation Products, Inc., and Diesel Machinery, Inc. Staff reviewed the bids and recommends the award to Diesel Machinery, Inc. French moved, second by Hurlbut and carried to approve the bid award of Regenerative Air Sweeper to the lowest responsible bidder meeting specifications, Diesel Machinery, Inc., for the low unit prices bid for a total contract amount of \$143,500.00.

APPROVAL OF BILLS

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

First Administrators, claims paid 06-08-05	37,947.59
Berkley Risk Administrators, claims paid	21,386.65
Hutton Communications, grant, docking cradles	1,481.46
West River Electric Association, electricity paid 06-13-05	13,861.71
United States Postmaster, postage	800.00
Computer Bill List	<u>3,306,019.01</u>
Subtotal	\$3,381,496.42
City of Rapid City, postage	4.06
City of Rapid City, health	643.00
City of Rapid City, petty cash	20.00
Marlin Leasing, copier lease	4.55
Simpson's Printing, newsletter	98.50
SD Retirement Systems, May pension	292.90
Standard Life, June life	<u>7.92</u>
Total	\$3,382,567.35

POLICE DEPARTMENT ITEMS

Johnson moved, second by Olson and carried to (No. CC062005-03) approve Change Order PR #A-48R II (Range Storage) for #02009.2-PCCH Complex, Public Safety Building "A", in the amount of \$42,940.00.

RAFFLES

Johnson moved, second by Waugh and carried to Acknowledge the request from the Disabled American Veterans to sell Forget-Me-Nots for the purpose of assisting Veterans and their families, on Saturday, June 11 - 24, 2005; and acknowledge the request from Behavior Management Systems, Inc. to conduct a raffle during 8th Annual Festival of Trees on November 18 – 19, 2005 at the Rushmore Plaza Civic Center

CITY ATTORNEY'S ITEMS

Johnson moved, second by Waugh and carried to Authorize Mayor and Finance Officer to sign an Assignment Agreement between the City of Rapid City, BankWest of Pierre, and DTH, LLC relative to tax Increment District Thirty-Six.

Waugh moved, second by Hurlbut and carried to go into Executive Session at 9:45 P.M. to discuss pending litigation, personnel and contractual matters. The Council came out of Executive Session at 10:40 P.M. with all members present.

Waugh moved, second by French and carried to approve offering GIS Coordinator position at Grade 21, Step L to the applicant as discussed in Executive Session.

French moved, second by Hurlbut and carried authorize offering the position of Assistant City Attorney at Grade 23, Step E to the applicant as discussed in Executive Session.

French moved, second by Waugh and carried to authorize the placement of Assistant City Attorney Joel Landeen at Grade 23, Step F effective July 1, 2005.

The next item discussed was No. 05TI004 Request by Joseph Lux for Lazy P6 Land Company, Inc. to consider an application for a Resolution Creating Revised Tax Increment District No. 41 on Government Lot 1 & 2 less Lot H1 in the SW1/4NW1/4 and Lot 1 of North 80 Subdivision, all located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A Revised of N1/2 GL 4 and adjacent Parkview Drive right-of-way, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, all of Eastridge Estates Subdivision and Stumer Road and Enchantment Road rights-of-way adjacent to Eastridge Estates Subdivision, the unplatted balance of N1/2NW1/4, the unplatted balance of SW1/4NW1/4, the unplatted balance of the SE1/4NW1/4, and the unplatted balance of the NE1/4, and all of Enchanted Pines Road right-of-way and 5th Street right of-way, and Lot 2, Block 1, 5th Street Office Plaza, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, SW1/4SW1/4SE1/4, N1/2SW1/4SE1/4, the Unplatted Balance of the E1/2NW1/4SE1/4, the Unplatted balance of the W1/4NW1/4SE1/4, the 100 foot dedicated 5th Street Right-of-way lying adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4, the platted 60 foot Minnesota Street Right-of-way adjacent to Lot 1 of Block 1, Terracita Park Subdivision as shown on Plat 30 Page 109, the platted 80 foot Minnesota Street Right-of-way as shown on Plat 29 Page 117 adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4 and adjacent to the Unplatted balance of the E1/2NW1/4SE1/4 and adjacent to Tract B, and all of 5th Street right-of-way, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and dedicated ROW, Block 11, Robbinsdale Addition No. 10, Lot 1 and adjacent Parkview Drive right-of-way, Block 11, Robbinsdale #10, and Lots 2-6, Block 1, Terracita Park Subdivision, and Lot 20, Block 6, Robbinsdale #10, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota., more generally described as being located at Fifth Street north of Catron Boulevard, east of US Highway 16 and west of SD Highway 79. Alderman Johnson expressed interest in an overlapping Tax Increment District to provide sewer service to an area east to Hwy 79. Growth Management Director Elkins outline the following list of options: 1) Include an eight inch gravity sewer line as part of an overlapping TIF, the cost is estimated to be \$362,000. The calculation was based on a potential for an underlining property owner to finance the project. Calculated at 9.75% interest, a 50/50 match with the existing TID No. 41, this pays off by 2016. 2) Include a twelve inch and an eight inch sewer main, a 50/50 match, calculated at 9.75% interest pays off in 2018. 3) Include a twelve inch and an eight inch sewer main, as well as examining the extension of the sewer to US Hwy 16, a 50/50 match, would pay off the project costs for the developers for the eight and twelve inch by 2014, and the City's costs by 2022. Elkins indicated that looking at the existing proposed development in the TID No. 41, does not account for any additional development in the overlapping TIF; all of that would make that pay off much quicker. Alderman Johnson suggested as a recommendation he may favored the inclusion of the property extending to Hwy 79, include the eight and twelve inch sewer mains, and the eight inch line along Elm Street. Elkins cautioned the Council about something that staff is starting to monitor; and that is, there is a limitation by statute on the percentage of the City's taxable value can be in any tax increment district. It is an accumulative total. Elkins indicated the one element the Council needs to recognize, is that as development occurs in a district, that percentage is going to grow. So, as we are successful in these tax

increment districts, they become more valuable, then that percentage continues to rise. Responding to Alderman Johnson about an overlapping district, Elkins reported staff recommendation is, if Council wants to proceed, the process be started over with the overlapping district. Johnson moved, second by Olson to direct staff to prepare an overlapping Tax Increment District No. 41. Motion carried.

Johnson moved, second by Waugh to table No. 05TI004, a request by Joseph Lux for Lazy P6 Land Company, Inc. to consider an application for a Resolution Creating Revised Tax Increment District No. 41. Motion carried with Kooiker voting NO.

The Council President presented No. 05TI005 Request by Joseph Lux for Lazy P6 Land Company, Inc. to consider an application for a Resolution for Revised Project Plan for Tax Increment District No. 41 on Government Lot 1 & 2 less Lot H1 in the SW1/4NW1/4 and Lot 1 of North 80 Subdivision, all located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A Revised of N1/2 GL 4 and adjacent Parkview Drive right-of-way, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, all of Eastridge Estates Subdivision and Stumer Road and Enchantment Road rights-of-way adjacent to Eastridge Estates Subdivision, the unplatted balance of N1/2NW1/4, the unplatted balance of SW1/4NW1/4, the unplatted balance of the SE1/4NW1/4, and the unplatted balance of the NE1/4, and all of Enchanted Pines Road right-of-way and 5th Street right of-way, and Lot 2, Block 1, 5th Street Office Plaza, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, the SW1/4SW1/4SE1/4, N1/2SW1/4SE1/4, the Unplatted Balance of the E1/2NW1/4SE1/4, the Unplatted balance of the W1/4NW1/4SE1/4, the 100 foot dedicated 5th Street Right-of-way lying adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4, the platted 60 foot Minnesota Street Right-of-way adjacent to Lot 1 of Block 1, Terracita Park Subdivision as shown on Plat 30 Page 109, the platted 80 foot Minnesota Street Right-of-way as shown on Plat 29 Page 117 adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4 and adjacent to the Unplatted balance of the E1/2NW1/4SE1/4 and adjacent to Tract B, and all of 5th Street right-of-way, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and dedicated ROW, Block 11, Robbinsdale Addition No. 10, Lot 1 and adjacent Parkview Drive right-of-way, Block 11, Robbinsdale #10, and Lots 2-6, Block 1, Terracita Park Subdivision, and Lot 20, Block 6, Robbinsdale #10, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota., more generally described as being located at Fifth Street north of Catron Boulevard, east of US Highway 16 and west of SD Highway 79. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION APPROVING THE REVISED PROJECT PLAN FOR
TAX INCREMENT DISTRICT NUMBER FORTY ONE – 5th STREET
AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

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

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

WHEREAS there has been established Tax Increment District #41 - 5th Street; and,

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

WHEREAS the Revised Project Plan submitted helps make this development feasible by assisting with the City's costs of the 5th Street extension, extraordinary grading costs, Parkview Drive street, utility and related storm drainage improvements, and Lift Station and Force Main; and,

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

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

WHEREAS the Council has considered the Revised Project Plan submitted by the Planning Commission and determined that the Revised Project Plan for Revised Tax Increment District #41 – 5th Street is economically feasible; and,

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

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Revised Tax Increment District Project Plan for Revised Tax Increment District #41 – 5th Street be, is hereby, approved as attached hereto.

Dated this 22nd day of June, 2005.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Olson. Responding to a question from Alderman Johnson, City Attorney Green advised that the previous item was a resolution to establish the TID boundaries. Those boundaries have already been established. The Council did not need to make any adjustments to the boundaries in order to facilitate changes to the plan. It was appropriate to table the boundary resolution. Before the Council is the project resolution, which is being revised to implement the provision that allows for the reimbursement for the construction of the lift station. Joseph Lux for Lazy P6 Land Company, Inc. indicated the earlier tabling motion is acceptable with the applicant. 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.

French moved, second by Waugh and carried to continue the following alcohol license: Catering by Marlin's Inc., dba **Marlin's Roadhouse**, 2803 Deadwood Avenue for a Retail (On

Sale) Liquor License Transfer from Loretta Jo Heck dba Jo's Lounge (inactive) to the July 5, 2005 Council meeting.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:30 P. M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)