

At 5:45 P.M., members of the City Council and City Department Heads met for an informal discussion on the Agenda for the City Council in 3rd floor West Conference Room. No action was taken or expected to be taken.

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

March 21, 2005

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, March 21, 2005 at 7:00 P.M.

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

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

APPROVE MINUTES

Kroeger moved, second by Hadley and carried to approve the minutes of March 7, and Special Council March 16, 2005.

ADOPTION OF THE AGENDA

The following items were added to the agenda:

- 9.A. Rapid City Public Library Report
- 9.B. Solid Waste Operations Report
- 9.C. Safe Streets Initiative Task Force, Alderman Chapman
- 9.D. ADA Transitional Plan, Alderman Kooiker
- Consider Agenda Item #135 after 9.D.
- 30.A. Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter and sidewalk on Lots 1R, 2A, 2B, 3A, 3B, 4R and 5R of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1-5 of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of West Street and South Street.
- Executive Session to discuss pending litigation and contractual matters

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

AWARDS AND RECOGNITIONS

Mayor Shaw presented the Veteran of the Month for March 2005 to Theodore H. Kozlik and recognized his efforts and dedication to the service of his country.

Mayor Shaw presented a Certificate of Recognition to the Guy Krugjohn for 30 years in the Public Works Department at the Streets Division and Solid Waste Division and expressed his appreciation to Guy for his outstanding service to the City.

GENERAL PUBLIC COMMENT

Linda Anderson, Rapid City Arts Council addressed the Council on the Dahl Arts Center expansion explaining there are five stages to the architecture: program stage during which information is gathered on user needs; concept stage which puts a design to the needs; schematic stage which includes a review by specialists; design development stage which incorporates mechanical and electrical considerations; and finally the construction documents. She explained the design development stage accounts for approximately forty percent of the entire design. She reported to-date that \$246,000 has been spent on that portion of the design; and \$126,000 of that amount is 2012 funds and \$126,000 from the donor project. She pointed out the design development stage gives accurate cost estimates for the project, which is \$9.5 Million. She emphasized that this stage of design is also the best stage for the Council to review and make decisions. She commented that after the new round of 2012 is announced the Arts Council will come before the City Council with recommendations on how the community can best be served through a comprehensive multi-disciplined arts center.

Lyndell Peterson and Marshall Curtis addressed the Council to advocate for a policy in public buildings, especially at the Civic Center, that will accommodate the petition process. It was suggested the City could thoughtfully establish procedures where people can be accommodated in public buildings and public facilities in a manner that addresses the needs of the process and at the same time recognizing everyone's individual rights. Johnson moved, second by Olson to refer to the March 30, 2005 Legal & Finance Committee and request the City Attorney to draft language that allows for solicitation for signatures on petitions, in government buildings. Motion carried.

BID OPENINGS AND AWARD

The following companies submitted bids for No. CC032105-01, Meter Transceiver Unit (MXU) for the Water Division opened March 10, 2005: Sensus Metering Systems and Sioux Pipe, Inc. Staff reviewed the bids and recommends the award to Sioux Pipe, Inc. Kroeger moved, second by Johnson and carried to approve the bid award of Meter Transceiver Unit (MXU) for the Water Division to the lowest responsible bidder meeting specifications, Sioux Pipe, Inc. for the low unit prices bid, for a total contract amount of \$140,400.00, with the option to extend the contract for 2006, 2007, and 2008.

The following companies submitted bids for No. CC032105-01, Two Digester Vertical Dry Pit Sludge Chopper Pumps for Water Reclamation Division opened March 10, 2005: Vaughan Co., Inc. and Engineering America, Inc. Staff reviewed the bids and recommends the award to Vaughan Co., Inc. Kroeger moved, second by Olson and carried to approve the bid award of Two Digester Vertical Dry Pit Sludge Chopper Pumps for Water Reclamation Division to the

lowest responsible bidder meeting specifications, Vaughan Co., Inc. for the low unit prices bid, for a total contract amount of \$22,710.00

The following companies submitted bids for No. CC032105-01, One New 13' Tandem Dump Truck with Slide in Sander for Street Division opened March 10, 2005: Eddies Truck Center, Black Hills Truck & Trailer, Inc., West River International, Inc., and Eddies Truck Center. Staff reviewed the bids and recommends the award to Eddies Truck Center. Kroeger moved, second by Olson and carried to approve the bid award of One New 13' Tandem Dump Truck with Slide in Sander for Street Division to the lowest responsible bidder meeting specifications, Eddies Truck center for the low unit prices bid, for a total contract amount of \$102,691.00.

The following companies submitted bids for No. CC032105-01, One Current Year Model Vacuum Street Sweeper for Street Division opened March 10, 2005: Sheehan Mack Sales. Staff reviewed the bids and recommends the award to Sheehan Mack Sales. Kooiker moved, second by Waugh to approve the bid award of One Current Year Model Vacuum Street Sweeper for Street Division to the lowest responsible bidder meeting specifications, Sheehan Mack Sales for a unit price of \$166,650.00 less trade-in of \$5,000.00 for a total contract amount of \$161,650.00. After discussion of offering the equipment for auction, or to another government entity a substitute motion was made by Olson, second by Johnson to refer the bid award to the March 30, 2005 Legal & Finance Committee meeting. Motion carried.

The following companies submitted bids for No. CC032105-01, One New Sander Truck with Plow for Street Division opened March 10, 2005: Eddies Truck Center, Black Hills Truck & Trailer, Inc., Eddies Truck Center, and West River International, Inc. Staff reviewed the bids and recommends the award to Eddies Truck Center. Kroeger moved, second by Hurlbut to approve the bid award of One New Sander Truck with Plow for Street Division to the lowest responsible bidder meeting specifications, Eddies Truck Center for a unit price of \$102,197.00 less trade-in of \$6,000.00 for a total contract amount of \$96,197.00. Substitute motion was made by Kooiker, second by Johnson to refer the bid award to the March 30, 2005 Legal & Finance Committee meeting. Motion carried.

The following companies submitted bids for No. CC032105-01, One New Current Year Model High Capacity Rotary Mower for Parks Department opened March 10, 2005: Davis Sun Turf, Midwest Turf & Irrigation, and Rapid Valley Equipment. Staff reviewed the bids and recommends the award to Midwest Turf & Irrigation without trade-in. Kroeger moved, second by Johnson and carried to approve the bid award of One New Current Year Model High Capacity Rotary Mower for Parks Department to the lowest responsible bidder meeting specifications, Midwest Turf & Irrigation for the low unit price bid, for a total contract amount of \$56,756.00.

ITEMS FROM THE MAYOR

Mayor Shaw presented the Employee Suggestion Award of Five Hundred Dollars, each to Scott Schultz and Clyde Jones for their solution to decant water from the sludge storage pond that resulted in a savings of \$80,000 per year in operations costs at the Water Reclamation Facility.

Monte Loos and Eric Abrahamsom gave a brief report on the Rapid City Public Library indicating an increase in borrowers since 2002. It was reported patrons are borrowing more than twenty-five percent more books and materials. There is also an increase in on-line customers, but there

is some difficulty in tracking the number of on-line customers. Because the growth rate at the library has stabilized, the intent is to launch new initiatives to increase the use of the facility.

Jerry Wright, Solid Waste Operations Superintendent gave a brief update on the landfill odor, birds, and litter control. Wright explained the odor is caused by the moisture content of the MSW compost. He suggested enclosing the secondary building and upgrading the air circulation would assist in controlling the odor problem. He reported the enclosure costs could be an estimated \$100,000. Wright reported the installation of noise devices worked briefly in controlling the number of birds at the landfill. He suggested shooting, but this would require an ordinance amendment. He suggested poisoning was an option, but the landfill would need to qualify as a farming organization. He explained that plastic bag litter occurs during high-wind events from the northwest. He explained the operational procedures are a daily cover; temporary onsite litter screens; perimeter fencing; and DOC inmates who pick up the litter. If the wind is over twenty-five miles per hour, the Landfill implements a disposal restriction policy that allows only commercial haulers to dump at the landfill. Wright listed the following options for consideration for the landfill operations: waste to energy, baler operations, limits on plastic bags, and more labor. Wright asked the Council to consider re-establishing the Solid Waste Committee. Kooiker moved, second by French to authorize the discharge of firearms at the Rapid City Landfill and designate the Public Works Director to authorize someone to discharge the firearms. Motion carried.

Kooiker moved, second by Olson and carried to ask the Mayor to re-establish the Solid Waste Committee and bring forward recommendations on appointments at the March 29, 2005 Public Works Committee meeting.

ITEMS FROM COUNCIL MEMBERS/LIAISON REPORTS

Alderman Chapman reported the Safe Streets Initiative Task Force will delay their report until April 18, 2005, with the exception of Range Road/Soo San Drive and 5th Street/Franklin Street. The Task Force will make a report on these two intersections at the April 4, 2005 Council meeting. The Task Force continues work on an advertising campaign.

Alderman Kooiker brought forward the ADA Transition Plan and suggested it was appropriate to review the plan for the purpose of updating the plan. Kooiker moved, second by French to refer the matter of an update to the ADA Transition Plan to the Mayor's Committee for People with Disabilities for further review and recommendation; and bring the recommendations forward in ninety days. Motion carried.

CONTINUED ITEMS CONSENT CALENDAR – Items 10-45

The following items were removed from the Continued Consent Calendar:

15. No. 04PL196 - A request by Davis Engineering, Inc. for Don and Cherril Brown for a **Preliminary Plat** on Lot 1 thru 5 of Tract SB revised of Springbrook Acres Subdivision located in SW1/4 NE1/4, and NW1/4 SE1/4, and SE1/4 NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract SB revised of Springbrook Acres Subdivision located in SW1/4 NE1/4, and NW1/4 SE1/4, and SE1/4 NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Estates Drive.

24. No. 05PL030 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Craig Erickson for a **Layout Plat** on Lot 1 of Crystal Dome Subdivision and dedicated right-of-way located in the E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, located south of Long View Road along Radar Hill Road
30. No. 05SV013 - A request by Richard O. Stahl for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1R, 2A, 2B, 3A, 3B, 4R and 5R of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1-5 of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of West Street and South Street.
- 30.A. Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter and sidewalk on Lots 1R, 2A, 2B, 3A, 3B, 4R and 5R of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1-5 of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of West Street and South Street.

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

Continue the following items until April 4, 2005:

9. No. 05CA008 - A request by Sperlich Consulting for Doeck, LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on an approximate 7.02 acre parcel from Agriculture to Medium Density Residential** on a portion of the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: commencing at the northeasterly corner of Lot 1 of Block 4 of Auburn Hills Subdivision, common to a point on the westerly edge of the right-of-way of Haines Avenue, and the Point of Beginning; Thence, first course: S70°51'20"W, along the northerly boundary of said Lot 1 of Block 4, a distance of 108.45 feet, to the northwesterly corner of said Lot 1 of Block 4, common to the easterly edge of the right-of-way of Chalkstone Court; Thence, second course: northwesterly, along the easterly edge of the right-of-way of said Chalkstone Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 07°44'19", an arc length of 43.83 feet, a chord bearing of N23°00'50"W, and a chord distance of 43.79 feet, to the northeasterly corner of the right-of-way of said Chalkstone Court; Thence third course: S63°07'01"W, along the northerly end of the right-of-way of said Chalkstone Court, a distance of 49.00 feet, to the northeasterly corner of Lot 2 of Block 4 of Auburn Hills Subdivision, common with the northwesterly corner of the right-of-way of said Chalkstone Court; Thence, fourth course: S63°07'01"W along the northerly boundary of said Lot 2 of Block 4, a distance of 124.45 feet to the northwesterly corner of said Lot 2 of Block 4, common to a point on the easterly boundary of Lot 3 of Block 4 of Auburn Hills Subdivision; Thence, fifth course: N18°05'54"W, along the easterly boundary of said Lot 3

of Block 4, a distance of 86.55 feet, to the northeasterly corner of said Lot 3 of Block 4; Thence, sixth course: S67°34'38"W, along the northerly boundary of said Lot 3 of Block 4, a distance of 110.00 feet, to the northwesterly corner of said Lot 3 of Block 4, common with a point on the easterly edge of the right-of-way of Coal Bank Court; Thence, seventh course: northwesterly, along the easterly edge of the right-of-way of said Coal Bank Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 06°10'47", an arc length of 35.00 feet, a chord bearing of N25°30'46"W, and a chord distance of 34.98 feet, to a point of tangent; Thence, eighth course: N28°36'09"W, along the easterly edge of the right-of-way of said Coal Bank Court, a distance of 28.62 feet, to a point of curve; Thence, ninth course: northwesterly, along the easterly edge of the right-of-way of said Coal Bank Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 03°24'07", a arc length of 19.27 feet, a chord bearing of N49°39'37"W, and chord distance of 19.26 feet, to the northeasterly corner of the right-of-way of said Coal Bank Court; Thence, tenth course: S57°59'43"W, along the northerly edge of the right-of-way of said Coal Bank Court, a distance of 49.00 feet, to the northeasterly corner of Lot 4 of Block 4; Thence, eleventh course: S89°52'29"W, a distance of 173.34 feet to the northwesterly corner of Lot 5 of Block 4; Thence, twelfth course: S89°52'29"W, along the westerly edge of Lots 6 thru 11 and future Lot 12 of Block 4, a distance of 603.16 feet; Thence, thirteenth course: N00°00'00"E, a distance of 405.96 feet to a point on the 1/16 section line and the northerly boundary of said SW1/4 of the NW1/4 of Section 13, T2N, R7E, BHM; Thence, fourteenth course: N89°52'25"E, along the 1/16 section line and the northerly boundary of said SW1/4 of the NW1/4 of Section 13, a distance of 1079.49 feet to a point of intersection of the SW1/4 of the NW1/4 of Section 13, and the westerly edge of the right-of-way of said Haines Avenue; Thence, fifteenth course: S23°09'20"E, along the westerly edge of the right-of-way of said Haines Avenue, a distance of 457.48 feet to the northeasterly corner of Lot 1 of Block 4 of Auburn Hills Subdivision, common to a point on the westerly edge of the right-of-way of said Haines Avenue, and the Point of Beginning; said parcel contains 488,619 square feet of 11.217 acres more or less, located within Auburn Hills Subdivision.

10. No. 03PL045 - A request by Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz for a **Preliminary and Final Plat** on Lots A and B of Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1903 North Maple Avenue.
11. No. 03PL063 - A request by Fisk Land Surveying and Consulting Engineers for Dakota Land Development for a **Final Plat** on Lots 1 thru 3, Vista Lake Subdivision #2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 and a portion Lot F-1 of the Fish Hatchery Subdivision, located in the NE1/4 SW1/4 and the N1/2 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Jackson Boulevard north of the Fish Hatchery.
12. 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.

13. No. 04PL191 - A request by Fisk Land Survey & Consulting Engineers for Donald Potts for a **Preliminary Plat** on Lot 1 and Lot 2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4 less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 6105 Covenant Drive.
16. 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.
17. No. 04PL211 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1-3, Block 1, Buehner Subdivision located in the W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as the W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota, located at the current southern terminus of Limelight Lane.
18. 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 being 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.
19. No. 05PL020 - A request by Centerline for Plum Creek Development for a **Layout Plat** on Plum Creek Phase II located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Willowbend Road and the Southeast Connector.
20. No. 05PL021 - A request by Dream Design International for a **Preliminary Plat** on Lots 1-18 of Block 1; Lots 1-12 of Block 2; Lots 1-16 of Block 3; and Lots 1-7 of Block 4, South Pointe Subdivision, all located in the E1/2 NE1/4 Section 24, T1N, R7E, BHM,

Rapid City, Pennington County, South Dakota, legally described as a portion of the E1/2 NE1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current southern terminus of Parkview Drive.

21. No. 05PL026 - A request by Richard O. Stahl for a **Preliminary Plat** on Lots 1R, 2A, 2B, 3A, 3B, 4R and 5R of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1-5 of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of West Street and South Street.
22. No. 05PL027 - A request by Greg Wierenga, CETEC Engineering Services, Inc. for Park Hill Development, Inc. for a **Preliminary Plat** on Lots 8, 9, 10, 11, 12, 13 and 14 of Block 3 and Lots 5, 6, 7, 8, 9, 10, 11 and 12 of Block 4, all located in NE1/4 SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NE1/4 SE1/4 less the west 650 feet of the east 700 feet of the south 372.5 feet all located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Sidney Drive along Oakland Street.
23. No. 05PL028 - A request by Renner Associates, LLC for BB&R Properties for a **Preliminary Plat** on Lot BR of Shoenhard Subdivision and Lot 6R of Mann Subdivision located in the N1/2 of SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Shoenhard Subdivision and Lot 6 of Mann Subdivision, a portion of Vacant Section Line Right-of-Way, and Lot A of NE1/4 of the SE1/4 of Section 33, located in the N1/2 of SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3400 West Chicago Street.
25. No. 05RZ009 – Second Reading, Ordinance No. 5033, a request by Sperlich Consulting for Doeck, LLC for a **Rezoning from Low Density Residential District to Medium Density Residential District** on a portion of the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: commencing at the northeasterly corner of Lot 1 of Block 4 of Auburn Hills Subdivision, common to a point on the westerly edge of the right-of-way of Haines Avenue, and the Point of Beginning; Thence, first course: S70°51'20"W, along the northerly boundary of said Lot 1 of Block 4, a distance of 108.45 feet, to the northwesterly corner of said Lot 1 of Block 4, common to the easterly edge of the right-of-way of Chalkstone Court; Thence, second course: northwesterly, along the easterly edge of the right-of-way of said Chalkstone Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 07°44'19", an arc length of 43.83 feet, a chord bearing of N23°00'50"W, and a chord distance of 43.79 feet, to the northeasterly corner of the right-of-way of said Chalkstone Court; Thence third course: S63°07'01"W, along the northerly end of the right-of-way of said Chalkstone Court, a distance of 49.00 feet, to the northeasterly corner of Lot 2 of Block 4 of Auburn Hills Subdivision, common with the northwesterly corner of the right-of-way of said Chalkstone Court; Thence, fourth course: S63°07'01"W along the northerly boundary of said Lot 2 of Block 4, a distance of 124.45 feet to the northwesterly corner of said Lot 2 of Block 4, common to a point on the easterly boundary of Lot 3 of Block 4 of Auburn Hills Subdivision; Thence, fifth course: N18°05'54"W, along the easterly boundary of said Lot 3 of Block 4, a distance of 86.55 feet, to the northeasterly corner of said Lot 3 of Block 4; Thence, sixth course:

S67°34'38W, along the northerly boundary of said Lot 3 of Block 4, a distance of 110.00 feet, to the northwesterly corner of said Lot 3 of Block 4, common with a point on the easterly edge of the right-of-way of Coal Bank Court; Thence, seventh course: northwesterly, along the easterly edge of the right-of-way of said Coal Bank Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 06°10'47", an arc length of 35.00 feet, a chord bearing of N25°30'46"W, and a chord distance of 34.98 feet, to a point of tangent; Thence, eighth course: N28°36'09"W, along the easterly edge of the right-of-way of said Coal Bank Court, a distance of 28.62 feet, to a point of curve; Thence, ninth course: northwesterly, along the easterly edge of the right-of-way of said Coal Bank Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of 03°24'07", a arc length of 19.27 feet, a chord bearing of N49°39'37"W, and chord distance of 19.26 feet, to the northeasterly corner of the right-of-way of said Coal Bank Court; Thence, tenth course: S57°59'43"W, along the northerly edge of the right-of-way of said Coal Bank Court, a distance of 49.00 feet, to the northeasterly corner of Lot 4 of Block 4; Thence, eleventh course: S89°52'29"W, a distance of 173.34 feet to the northwesterly corner of Lot 5 of Block 4; Thence, twelfth course: S89°52'29"W, along the westerly edge of Lots 6 thru 11 and future Lot 12 of Block 4, a distance of 603.16 feet; Thence, thirteenth course: N00°00'00"E, a distance of 405.96 feet to a point on the 1/16 section line and the northerly boundary of said SW1/4 of the NW1/4 of Section 13, T2N, R7E, BHM; Thence, fourteenth course: N89°52'25"E, along the 1/16 section line and the northerly boundary of said SW1/4 of the NW1/4 of Section 13, a distance of 1079.49 feet to a point of intersection of the SW1/4 of the NW1/4 of Section 13, and the westerly edge of the right-of-way of said Haines Avenue; Thence, fifteenth course: S23°09'20"E, along the westerly edge of the right-of-way of said Haines Avenue, a distance of 457.48 feet to the northeasterly corner of Lot 1 of Block 4 of Auburn Hills Subdivision, common to a point on the westerly edge of the right-of-way of said Haines Avenue, and the Point of Beginning; said parcel contains 488,619 square feet of 11.217 acres more or less, located within Auburn Hills Subdivision.

26. No. 05RZ016 – Second Reading, **Ordinance No. 5043**, a request by Rick Skywatcher for Beverly Healthcare - Meadowbrook for a **Rezoning from Low Density Residential District to Medium Density Residential District** on Lot C of the SW1/4 NW1/4 Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2500 Arrowhead Drive.
27. No. 05SE002 - A request by Centerline for Plum Creek Development for an **Exception to allow platting four lots within a Study Area - Plum Creek Subdivision** on Plum Creek Subdivision located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Willowbend Road.
28. No. 04SV081 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Limelight Lane and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1-3, Block 1, Buehner Subdivision located in the W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota, located at the current southern terminus of Limelight Lane.

29. 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 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.
31. No. 05SV014 - A request by Renner Associates, LLC for Pam Godfrey for a **Variance to the Subdivision Regulations to allow platting one-half a section line right-of-way as per Chapter 16.12 of the Rapid City Municipal Code; to waive the requirement to dedicate additional right-of-way; to waive the requirement to install curb, gutter, sidewalk, water, sewer, street light conduit, storm drainage and pavement along the Section Line Highway, along the access easement and along the north/south collector road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and

B of Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota, located southwest of the intersection of Catron Boulevard and U.S. Highway 16.

32. No. 05SV015 - A request by Renner Associates, LLC for BB&R Properties for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a Section Line Highway, to waive the requirements to install street light conduit and sidewalks along E. Chicago Street, and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to dedicate additional right of way along a private access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot BR of Shoenhard Subdivision and Lot 6R of Mann Subdivision located in the N1/2 of SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Shoenhard Subdivision and Lot 6 of Mann Subdivision, a portion of Vacant Section Line Right-of-Way, and Lot A of NE1/4 of the SE1/4 of Section 33, located in the N1/2 of SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3400 West Chicago Street.
33. No. 05SV016 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Craig Erickson for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Crystal Dome Subdivision and dedicated right-of-way located in the E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, located south of Long View Road along Radar Hill Road.
34. No. 05SV017 - A request by D.C. Scott Co., Land Surveyors for Highmark Builders for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lot AR, Lot BR, Lot Cr, Lot D and Revised Well Lot of Miracle Place Subdivision, located in the SE1/4 SE1/4 of Section 8, and in the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Lot B, Lot C and Well Lot of Miracle Place Subdivision located in the SE1/4 SE1/4 of Section 8, and in the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Miracle Place.
35. No. 05SV018 - A request by Sperlich Consulting, Inc. for Kensington Heights, LLC for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide and to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to dedicate additional right-of-way for Elm Avenue as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 18 through 21 of Block 1, Lots 6 through 19 of Block 3, and Lots 1 through 10 of Block 4, Kensington Heights Subdivision located in "Government" Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 of the S1/2 of "Government" Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Elm Avenue and Enchanted Pines Drive.

36. No. 05SV022 - A request by Fisk Land Survey & Consulting Engineers for Donald Potts for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer, and pavement along the western most 750 feet of the Section Line** on property located in the SW1/4SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 6105 Covenant Drive.

Continue the following items until April 18, 2005:

37. No. 04AN009 - A request by Dream Design International, Inc. for a **Petition for Annexation** on the W1/2 SE1/4 and SE1/4 SE1/4 and N1/2 NW1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
38. No. 04AN010 - A request by Dream Design International Inc. for a **Petition for Annexation** on the S1/2 NE1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
39. No. 04CA029 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan** on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
40. No. 04PL097 - A request by Dream Design International, Inc. for a **Layout Plat** on Hyland Park Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
41. No. 04PL185 - A request by Black Hills Surveying for a **Preliminary Plat** on Lots 4 and 5 of Owen Hibbard Subdivision, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, legally described as the unplatted portion of Tract A of Tract 1, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, located at the intersection of Promise Road and Golden Eagle Drive.
42. No. 04RZ037 - A request by Dream Design International, Inc. for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in the W1/2 SE1/4 and the SE1/4SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
43. 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.
44. No. 04SV042 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk,**

pavement, sewer, water and street light conduit; to waive the requirement to dedicate additional right-of-way; and, to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.

End of Continued Items Consent Calendar

The Mayor presented No. 04PL196, a request by Davis Engineering, Inc. for Don and Cherril Brown for a **Preliminary Plat** on Lot 1 thru 5 of Tract SB revised of Springbrook Acres Subdivision located in SW1/4 NE1/4, and NW1/4 SE1/4, and SE1/4 NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract SB revised of Springbrook Acres Subdivision located in SW1/4 NE1/4, and NW1/4 SE1/4, and SE1/4 NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Estates Drive. Hadley moved, second by French and carried to approve the Preliminary Plat with the following stipulations: 1. Prior to Preliminary Plat approval by the Planning Commission, an Exception to allow 164 dwelling units in lieu of 40 dwelling units with one point of access shall be obtained or a revised Preliminary Plat application showing a second access shall be submitted for review and approval; 2. Prior to Preliminary Plat approval by the Planning Commission, an Exception to allow Foothills Drive as a 1,390 foot long cul-de-sac with no intermediate turnarounds in lieu of a 500 foot long cul-de-sac with an intermediate turnaround every 600 feet shall be obtained or the plat document shall be revised accordingly; 3. Prior to Preliminary Plat approval by the Planning Commission, an Exception to allow Estates Drive as a 750 foot long cul-de-sac with no intermediate turnarounds in lieu of a 500 foot long cul-de-sac with an intermediate turnaround every 600 feet shall be obtained or the plat document shall be revised accordingly; 4. Prior to Preliminary Plat approval by the Planning Commission, an Exception to allow a 12 percent maximum grade in lieu of an eight percent maximum grade along Foothills Drive be obtained or the construction plans shall be revised accordingly; 5. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; 6. Prior to Preliminary Plat approval by the City Council, revised water and sewer plans shall be submitted for review and approval. In particular, the water and sewer plans shall show the extension of main(s) from Estates Drive to proposed Lots 4 and 5 located at the northern terminus of Foothills Drive. In addition, the water plans shall show the location of the existing fire hydrants and the connection to the existing water line(s). The plat document shall also be revised to provide utility easements as needed; 7. Prior to Preliminary Plat approval by the City Council, pavement design calculations shall be submitted for review and approval; 8. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 9. Prior to Preliminary Plat approval by the City Council, road construction plans showing the installation of curb, gutter, sidewalk, water and sewer along Foothills Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 10. Prior to Preliminary Plat approval by the City Council, road construction plans showing the installation of curb and gutter along Estates Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 11. Prior to Preliminary Plat approval by the City Council, the applicant shall submit written documentation from the Springbrook Acres Home Owners Association demonstrating that they are in concurrence with the private streets within the Springbrook Acres Subdivision being utilized to access the proposed development; 12. Prior to Preliminary Plat approval by the

City Council, additional drainage information shall be submitted for review and approval. In particular, the drainage calculations for the proposed 24 inch corrugated metal pipe in Foothills Drive and the class and depth of the proposed riprap shall be submitted for review and approval; 13. Prior to submittal of a Final Plat application, an Initial and Final Planned Residential Development Plan shall be reviewed and approved reducing the size of the lots from three acres to 1.692 acres and 2.239 acres, respectively, or the plat document shall be revised to provide a minimum three acre lot size or the property shall be rezoned to Low Density Residential District; 14. Upon submittal of a Final Plat application, the plat document shall be revised to show Estates Drive and Foothills Drive as access easements in lieu of right-of-way. In addition, the applicant shall submit documentation for review and approval demonstrating maintenance of the access easements; and, 15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

The Mayor presented No. 05PL030, a request by Fisk Land Surveying & Consulting Engineers, Inc. for Craig Erickson for a **Layout Plat** on Lot 1 of Crystal Dome Subdivision and dedicated right-of-way located in the E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, located south of Long View Road along Radar Hill Road. French moved, second by Hurlbut and carried to approve the Layout Plat with the following stipulations: 1. Prior to Layout Plat approval by the Planning Commission, a Master Plan for the balance of the subject property shall be submitted for review and approval; 2. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then percolation information demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval; 3. 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. If on-site well(s) are used, data to confirm that the well(s) have sufficient flows and water quality shall be submitted for review and approval. If a shared well is proposed then it shall be designed as a public water system. In addition, the plat document shall be revised to show utility easement(s) as needed; 4. Upon submittal of a Preliminary Plat application, road construction plans for Radar Hill Road shall be submitted for review and approval. In particular, the road construction plans shall show Radar Hill Road 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; 5. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show an on-site fire apparatus turnaround easement as per the Fire Department; 6. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 7. The International Fire Code shall be continually met; 8. Upon submittal of a Final Plat application, a note shall be placed on the plat indicating that at the time a Building Permit is applied for, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided; and, 9. 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.

The Mayor presented No. 05SV013, a request by Richard O. Stahl for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk as**

per Chapter 16.16 of the Rapid City Municipal Code on Lots 1R, 2A, 2B, 3A, 3B, 4R and 5R of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1-5 of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of West Street and South Street. Hurlbut moved, second by French and carried to approve the Variance to the Subdivision Regulations with the following stipulations: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

French moved, second by Hurlbut and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter and sidewalk on Lots 1R, 2A, 2B, 3A, 3B, 4R and 5R of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1-5 of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of West Street and South Street.

ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

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

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

Special Malt Beverage and Wine License

45. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on April 7, 2005 at Dahl Arts Center, 713 7th Street
46. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on April 21, 2005 at Dahl Arts Center, 713 7th Street
47. **Rapid City Library Foundation, Inc.** for a Special Malt Beverage and Wine License for use on April 30, 2005 at Rapid City Public Library, 610 Quincy Street

Set for Hearing (April 4, 2005)

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

Package (off-sale) Liquor License Transfer

48. Gary Dowling dba **Dakota Best & Brown Bag Dali, Inc.**, 818 Main Street, for a Package (off-sale) Liquor License transfer from South Dakota Popcorn Co., Inc. dba Dakota's Best

Package (off-sale) Liquor License

49. Clayton and Donna Jerred dba **Gas "N" Snax**, 418 Knollwood Drive, for a Package (off-sale) Liquor License

Special Malt Beverage License

50. **Rushmore German Club** for a Special Malt Beverage License for use on August 19 – 27, 2005 at Central States Fair

CONSENT CALENDAR ITEMS – 51-103

The following items were removed from the Consent Calendar:

52. Request Council President to include electronic sign brightness and naming rights on the Informational Meeting schedule.
56. No. PW031605-04 Authorize staff to advertise for bids for Well #5 Pump Replacement Project No. W05-1450; CIP #50573.
59. No. PW031604-07 Authorize Mayor and Finance Officer to sign a Professional Services Agreement with Banner Associates for Engineering Services for Construction Fee Determinations and Miscellaneous Services, Project No. SSW04-1429; CIP #50571 for an amount not to exceed \$34,412.00.
66. Authorize staff to implement Water Conservation Measures, April 1, 2005 to September 30, 2005.
67. No. PW031605-20 Direct staff to prepare necessary documents for the agreement on Plum Creek/Elk's Country Estates Access; and to authorize the removal of the study area.
85. Request staff to draft an agreement with Condrey & Associates to conduct a compensation review for grades 18 and below; and bring it back to the Legal and Finance Committee for review and approval.
91. No. 04PL044 - A request by Sperlich Consulting Inc. for Walgar Development for a **Layout and Preliminary Plat** on Lot 2 of Block 1, Minnesota Park Subdivision, located in the SW1/4 of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Wisconsin Avenue and East Minnesota Street.
92. No. 04PL154 - A request by Hewey Clemmons for a **Layout Plat** on Lots 1 thru 3 less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 5680 South Highway 79.
93. No. 04PL190 - A request by Wasteline, Inc. for Century Resources for a **Preliminary Plat** on Lot 4 of Block 1, and Lots 1 thru 3 of Block 2, Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4, Section 32, T2N, R8E BHM, Rapid City, Pennington County, South Dakota, located at 1705 East Anamosa Street.
94. No. 04PL192 - A request by Fisk Land Surveying & Consulting Engineers for a **Preliminary Plat** on Lot 3A revised and Block 11 of Fairway Hills Planned Residential Development, legally described as a tract of land located in the North One-Half of the Southwest One-Quarter (N½ SW¼) and in the Southwest One Quarter of the Northwest One-Quarter (SW¼ NW¼) of Section Fifteen (15), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the southeast corner of Lot 29R of Fairway Hills P.R.D., as shown on the plat filed on February 17, 1984 and recorded in Plat Book 19 on Page 124, said corner being marked by a rebar with survey

cap number 3095; thence, South 73 degrees 09 minutes 46 seconds East, more or less, a distance of 4.84 feet more or less, to a point along the westerly edge of Fairway Hills Drive right-of-way, as shown on the plat filed on March 10, 1986 and recorded in Plat Book 20 on Page 224, said corner being marked by a rebar with survey cap number 6565; thence, southerly and along the westerly edge of said Fairway Hills Drive right-of-way, South 16 degrees 50 minutes 14 seconds West, more or less, a distance of 160.90 feet, more or less to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 96.87 feet, a delta of 17 degrees, 55 minutes, 27 seconds, an arc length of 30.30 feet, a chord bearing of South 25 degrees 58 minutes 25 seconds West, more or less, and a chord distance of 30.18 feet, more or less, to a point of tangent on the westerly edge of said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way, South 34 degrees 46 minutes 00 seconds West, more or less, a distance of 496.97 feet, more or less to a point of curvature on said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northwesterly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 151.11 feet, a delta of 91 degrees 35 minutes 13 seconds, an arc length of 241.55 feet, a chord bearing of South 80 degrees 36 minutes 45 seconds West, more or less, and a chord distance of 216.64 feet, more or less, to a point of tangent along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, North 53 degrees 37 minutes 38 seconds West, more or less, a distance of 69.36 feet, more or less, to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way and curving to the left on a curve with a radius of 230.00 feet, a delta of 4 degrees, 41 minutes 57 seconds, an arc length of 18.86 feet, a chord bearing of North 56 degrees 09 minutes 17 seconds West, more or less and a chord distance of 18.86 feet, more or less, to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, as shown on the plat filed September 22, 2004 and recorded in Plat Book 32 on page 94, and curving to the left on a curve with a radius of 230.00 feet, a delta of 16 degrees 30 minutes 34 seconds, an arc length of 66.27 feet, a chord bearing of North 66 degrees 39 minutes 30 seconds West, more or less and a chord distance of 66.04 feet, more or less to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point also being the southeast corner of Lot 16 of Block 10 of Fairway Hills PRD, as shown on the aforementioned plat, said point being marked by a rebar with survey cap number 6565; thence, northeasterly along the easterly line of said Lot 16 in Block 10 of Fairway Hills PRD, North 14 degrees 38 minutes 21 seconds East, more or less, a distance of 102.58 feet, more or less, to the northeast corner of said Lot 16, said corner being coincident with the southeast corner of Lot 15 of Block 10 of Fairway Hills PRD, and said corner being marked by a rebar with survey cap number 6565; thence, northeasterly along the easterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, North 14 degrees 38 minutes 21 seconds East, more or less, a distance of 83.44 feet, more or less to a point on the easterly lot line of said Lot 15, said point being marked by a rebar with survey cap number 6565; thence, northwesterly along the northeasterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, North 25 degrees 09 minutes 50 seconds West, more or

less, a distance of 132.38 feet, more or less to the northerly corner of said Lot 15, said corner being coincident with the northeast corner of Lot 14 of Block 10 of Fairway Hills PRD and also coincident with the southeast corner of Lot 3B of Fairway Hills PRD, as shown on the plat filed July 9, 1980 and filed in plat Book 17, Page 189, and also coincident with the westerly lot line of Lot 3A of Fairway Hills PRD, as shown on the plat filed November 21, 1979 and recorded in Plat Book 17 on Page 132, said corner being marked by a rebar with survey cap number 1019; thence, northeasterly along the easterly lot line of said Lot 3B of Fairway Hills PRD and the westerly line of said Lot 3A of Fairway Hills PRD, North 17 degrees 55 minutes 58 seconds East, more or less, a distance of 191.15 feet, more or less, to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being marked by a rebar with survey cap number 6565; thence, northwesterly along the easterly lot line of said Lot 3B of Fairway Hills PRD and the westerly line of said Lot 3A of Fairway Hills PRD, North 20 degrees 01 minutes 18 seconds West, more or less, a distance of 326.69 feet, more or less to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being coincident with the southwest corner of Lot H1 of Lot 3A of Fairway Hills PRD as shown on the plat filed on August 30, 1991 and recorded in Book 8 of Highway Plats on Page 39, said corner being marked by a rebar with survey cap number 6565; thence, northeasterly along the southerly line of said Lot H1 of Lot 3A of Fairway Hills PRD, North 57 degrees 02 minutes 43 seconds East, more or less, a distance of 77.75 feet, more or less, to the southeasterly corner of said Lot H1 of Lot 3A, said point also being located on the northeasterly lot line of said Lot 3A of Fairway Hills PRD and also on the southwesterly line of Lot 2 of Fairway Hills PRD, as shown on the plat filed on November 30, 1977 and recorded in Plat Book 15 of Page 215; said corner being marked by a rebar with survey cap number 6565; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southwesterly line of said Lot 2 of Fairway Hills PRD, South 22 degrees 24 minutes 27 seconds East, more or less, a distance of 100.94 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 3095; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southwesterly line of said Lot 2 of Fairway Hills PRD, South 40 degrees 29 minutes 56 seconds East, more or less, a distance of 133.62 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 1019; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southerly line of said Lot 2 of Fairway Hills PRD, South 76 degrees 54 minutes 53 seconds East, more or less, a distance of 221.11 feet, more or less, to a point on the northeasterly lot line of said Lot 3A, said point being coincident with the southeast corner of said Lot 2 of Fairway Hills PRD and also coincident with the westerly line of Lot 30 of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and recorded in Plat Book 19 on page 124, said point being marked by a rebar with survey cap number 1019; thence, southerly along the easterly line of said Lot 3A of Fairway Hills PRD and along the westerly line of said Lot 30 of Fairway Hills PRD, South 08 degrees 05 minutes 24 seconds East, more or less, a distance of 102.89 feet, more or less, to a point on the easterly line of said Lot 3A, said point being coincident with the southwest corner of said Lot 30, said point being marked by a rebar with survey cap number 3095; thence, northeasterly along the southerly line of said Lot 30 of Fairway Hills PRD, North 76 degrees 46 minutes 01 seconds East, more or less, a distance of 105.59 feet, more or less to the southeast corner of said Lot 30, said corner also being coincident with the

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

95. No. 04PL194 - A request by Sperlich Consulting, Inc. for Dennis Zandstra for a **Layout and Preliminary Plat** on Jolly Lane Right-of-Way extended south to section line, legally described as a portion of Tract 1 of Elks Country Estates, located in the SE1/4, of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Jolly Lane.
96. No. 05PL018 - A request by Renner & Associates for the Canyon Lake Senior Citizen Center for a **Preliminary Plat** on Tract 1, Canyon Lake Senior Citizens Center, located in the NW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2900 Canyon Lake Drive.
97. No. 05PL019 - A request by Joel Boylan for a **Preliminary Plat** on Lot 21A and 21B, Block 3 of Moon Meadows Estates Subdivision, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 21, Block 3 of Moon Meadows Estates Subdivision, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, located at 3025 Moon Meadows Drive.
98. No. 05PL029 - A request by Ted Schultz, CETEC Engineering Services, Inc. for Generations Care, LLC for a **Layout Plat** on Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 13B, 14 and Outlot A of Block 1; and Lots 15A, 15B, 16A, 16B, 17A, 17B, 18A, 18B and Outlot B of Block 2; and dedicated Right-of-Way of Fountain Springs Park Subdivision located in the NW1/4 of SW1/4, Section 26 and the NE1/4 of SE1/4 of Section 27 and the SE1/4 of NE1/4 of Section 27, T2N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, legally described as property described by metes and bounds beginning at the southwesterly corner of Tract H of Wesleyan Christian Center, thence N76 34'25" E a distance of 263.55'; thence N17°48'36" W a distance of 117.79 feet; thence N37°51'47" W a distance of 289.90 feet; thence N17°26'29" W a distance of 160.98 feet; thence S72°34'40" W a distance of 96.01 feet; thence N28°03'17" W a distance of 156.68 feet; thence N72°09'41" E a distance of 374.59 feet; thence S17°42'19" E a distance of 272.78 feet; thence S37°37'39" E a distance of 288.47 feet; thence S72°03'18" W a distance of 106.09 feet; thence S57°08'25" W a distance of 52.00 feet; thence with a curve turning to the right with a radius of 149.99 feet, with an arc length of 39.01 feet, with a chord bearing of S25°22'55" E, with a chord length of 38.90 feet, thence S 17°50'42" E a distance of 299.76 feet; thence S27°16'02" W a distance of 14.10 feet; thence S72°12'20" W a distance of 256.46 feet; thence with a curve turning to the right with a radius of 169.61 feet, with an arc length of 110.82 feet, with a chord bearing of N89°04'34" W, with a chord length of 108.86 feet, thence N70°21'28" W a distance of 53.50 feet; thence with a curve turning to the left with a radius of 333.35 feet, with an arc length of 162.43 feet, with a chord bearing of N00°31'09" E, with a chord length of 160.83 feet; which is the point of beginning, having an area of 251605.92 square feet, 5.776 acres all lying in the

NW1/4 of SW1/4, Section 26 and the NE1/4 of SE1/4 of Section 27 and the SE1/4 of NE1/4 of Section 27, T2N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, located northwest of Harmony Heights Lane and Sunny Springs Drive.

99. No. 05PL031 - A request by D.C. Scott Co., Land Surveyors for Highmark Builders for a **Preliminary Plat** on Lot AR, Lot BR, Lot Cr, Lot D and Revised Well Lot of Miracle Place Subdivision, located in the SE1/4 SE1/4 of Section 8, and in the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Lot B, Lot C and Well Lot of Miracle Place Subdivision located in the SE1/4 SE1/4 of Section 8, and in the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Miracle Place.
100. No. 05PL032 - A request by Sperlich Consulting, Inc. for Kensington Heights, LLC for a **Layout Plat** on Lots 18 through 21 of Block 1, Lots 6 through 19 of Block 3, and Lots 1 through 10 of Block 4, Kensington Heights Subdivision located in "Government" Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 of the S1/2 of "Government" Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Elm Avenue and Enchanted Pines Drive.

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

Public Works Committee Consent Items

51. No. PW031605-01 Approve requests for waiver of sidewalk requirements, contingent upon property owners signing a Waiver of Right to Protest future assessed projects, for 811 Mallow Street for Passive Income LLC and 1111 Silver Street for Blue Horseshoe, LLC, Joe Muth.
53. Approve request to display yellow ribbons in Memorial Park along Omaha Street to welcome home soldiers through May 31, 2005.
54. No. PW031605-02 Authorize Mayor and Finance Officer to sign an agreement with Virginia Wood Nelson to provide customer service training for the Public Works staff for an amount not to exceed \$6,750.00.
55. No. PW031605-03 Approve Change Order No. 7F for the Omaha Street Water & Sewer Utilities and Median Beautification Project Nos. SSW02-1106 & PR02-1215 to Stanley J. Johnsen Concrete Contractor, Inc. for a decrease of \$269,902.56.
57. No. PW031605-05 Authorize Mayor and Finance Officer to sign a Planned Lighting Maintenance Agreement with Lighting Maintenance Company for the sum of \$3.32 per fixture per month.
58. No. PW031605-06 Authorize Mayor and Finance Officer to sign a Professional Services Agreement with TSP Three, Inc. for the design of 5th Street Bridge Milling and Overlay Project No. ST04-1360; CIP #50525 for an amount not to exceed \$9,834.50.
60. No. PW031605-08 Authorize Mayor and Finance Officer to sign a Perpetual Right of Way and Easement with Black Hills Power & Light location on property described as Original Town of Rapid City, Lots 28 – 32 In Block 97 located in Section 01, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.
61. No. PW031605-09 Authorize Mayor and Finance Officer to sign Amendment No. 1 to the Professional Services Agreement with TSP Three, Inc. for Engineering Design of the 6th Street/Memorial Park Water Transmission Main Reconstruction Project No. W04-1423; CIP #50439 for an amount not to exceed \$19,580.00.

- 62. No. PW031605-10 Authorize staff to Seek Consultant Design Services for the following projects: 1) CIP# 50518, Project No. SSW05-1471, Anamosa Street Reconstruction, LaCrosse Street to Herman Street; 2) CIP# 50519, Project No. SSW05-1472, Anamosa Street Reconstruction, Haines Avenue to Midway Street; and 3) CIP# 50559, Project No. SSW05-1473, Anamosa Street Reconstruction, Midway Street to Herman Street.
- 63. No. PW031605-11 Authorize staff to Seek Professional Consultant Services for the Eglin Street Grading and Utilities Construction Projects.
- 64. No. PW031605-12 Acknowledge Consultant Pre-Selection Committee Report.
- 65. No. PW031605-13 Acknowledge report on Cost Allocation Study for Mall Ridge Lift Station by CETEC Engineering.
- 68. No. PW031605-14 Approve a Resolution Declaring Property Surplus and authorize the transfer of a 1993 Ford Ranger Pickup, SN 45398, Inventory No. 1400 to the Rushmore Plaza Civic Center:

RESOLUTION DECLARING PROPERTY SURPLUS

WHEREAS the below-described property is no longer necessary, useful or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes, including disposal, sale, transfer to other government agency, or trade-in on new equipment:

Growth Management Department

1991 Chevrolet Suburban ¾ T Scottsdale, SN 129732, Inv #1420

1991 Chevrolet AstroVan, SN 178389, Inv # 1626

1993 Ford Aerostar Van, SN 10204, Inv # 1513;

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 21st day of March, 2005.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 69. No. PW031605-15 Rescind approval for the Plat of Lot H4 of the NW1/4 NE 1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.
- 70. No. PW031605-21 Deny a request by Pam Godfrey to waive the requirement to annex Lots A and B of Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota.
- 71. No. PW031605-22 Approve Exception to the Drainage Criteria Manual for section of Elm Avenue for Lazy P6.

72. Accept staff recommendation on additional curb cut for parking lot access at Minnesota Street Soccer Fields; and request staff to bring forward an update in 90 days.

Legal & Finance Committee Consent Items

73. No. LF031605-01 Approve appointment of Eric Farrar and Gene Hunter for a two year term to the Sign Contractor Board.
74. No. LF031605-02 Approve appointment of Jerome F. Mitchell to the Rapid City Regional Airport Board.
75. Request the City Attorney's office to look into additional options for the City regarding enforcing compliance by problematic landlords.
76. No. LF031605-03 Approve Travel Request for Chief Craig Tieszen and 14 members of the command staff to attend semi annual goals meeting in Deadwood, SD, April 14-15, 2005 in an approximate amount of \$540.
77. No. LF031605-04 Authorize staff to apply for a 100% federally funded Edward Byrne Memorial Justice Assistance Grant for a total of \$87,844 to be used jointly by the Rapid City Police Department and the Pennington County Sheriff's Office.
78. No. LF031605-05 Authorize staff to request proposals for uniforms for the Police Department.
79. No. LF031605-06 Authorize Mayor and Finance Officer to sign Maintenance Agreement with Best Business Products for copier for the Fire Department.
80. No. LF031605-07 Authorize Mayor and Finance Officer to sign Extension for Medical Transportation Services Agreement.
81. No. LF031605-08 Approve Travel Request for Marcia Elkins, Growth Management Director to attend the Rapid City Chamber of Commerce Board Retreat in Las Vegas, NV, May 11-15, 2005 in an approximate amount of \$1,853.
82. No. LF031605-09 Approve Resolution Declaring Property Surplus.

RESOLUTION DECLARING PROPERTY SURPLUS

WHEREAS the below-described property is no longer necessary, useful or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes, including disposal, sale, transfer to other government agency, or trade-in on new equipment:

City/School Common Energy Plant

DSC 8500 FIC Control Cabinet, Johnson Controls, Inventory No. 0914-0002-009906

Parks Department

1996 Jacobsen High Capacity Rotary Mower, Inventory No. 0607-0520-018840, Serial No. 69116031

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 21st day of March, 2005.

CITY OF RAPID CITY

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

s/ Jim Shaw, Mayor

- 83. No. LF031605-10 Approve Resolution Adopting South Dakota Municipalities Records Retention and Destruction Schedule as the City's Records Management Policy.

RESOLUTION ADOPTING RECORDS RETENTION
AND DESTRUCTION SCHEDULE MANUAL

WHEREAS, it is necessary to provide uniform retention and destruction schedules of municipal records to provide efficient management and to comply with State Law; and

WHEREAS, the State Bureau of Administration has prepared a guide for all municipal offices in South Dakota;

NOW THEREFORE BE IT RESOLVED that the South Dakota Municipalities Records Retention and Destruction Schedule be adopted as the Records Management Policy for the City of Rapid City.

Dated this 21st day of March, 2005.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 84. No. LF031605-11 Authorize staff to enter into Credit Card Processing Contract with Pioneer Bank & Trust.
- 86. No. LF031605-12 Authorize staff to apply for grant assistance from the South Dakota Department of Health to assist with costs of the mosquito control program.
- 87. No. LF031605-13 Authorize the Mayor and Finance Officer to sign Frankenfeld Associates Interactive Proposal for Design and Layout of Web Site Survey Form (Option 1) in the amount of \$450.
- 88. No. LF031605-14 Approve Travel Request for John Leahy to attend Solid Waste Association of North America Training Course and Certification Test for Manager of Landfill Operations in Las Vegas, NV from April 17-21, 2005 in the approximate amount of \$1,692.
- 89. Approve the following licenses: Mechanical Apprentice: Jason E Rick; Mechanical Contractor: Wayne Piebenga, Wyo-Dak Plumbing & Heating; Richard Zimmiond, Integrity Sheetmetal; Dennis Corcoran, Tessier's Inc.; Daniel V DeJong; Black Hills Power; Keith Gade, Black Hills Power; Richard D Trapp, Black Hills Power; Kenneth Noble, Noble Heating & Air Conditioning; Lonny Ryman, D & R Service; Bret Sullivan, Comfort Systems of the Black Hills; Alvin S Rudd Jr., Rudd Plumbing; Jim Schnittgrund, Jim's Plumbing & Heating; Gene Opstedahl, Opstedahl Plumbing; Russell Ochsner, Ochsner Sheet Metal; and Raymond R Winters, Ray's Heating & Air Conditioning; Mechanical Installer: D Mike Austin, Carl J Hyatt, Philip G Pulse, Scott Latuseck, Terry A

Borr, Jerry P Christensen, David T Del Soldato, Jason Duwenhoegger, Jason D Fenner, Carl Fleming, Robert Fleming, Bradley Lee Job, Scott A Juhnke, David F Laughlin, Ron Lineweber, Harlan E Olson, Kevin Schmidt, Steve Van Dam, Joe Youngblood, Travis Powrie, Kenneth Noble, Edwin Noble, Mark Anderson, Charlie Hansen, Sandi Kile, Zakary Leier, Loren Ryman, Jon L Trimble Jr., Steve Volk, Mark Sigler, Frank Evans, Dave A Bell, and Jason Fenhaus; Residential Contractor: Brian Weaver, B & S Construction; Electrical Apprentice: Shannon Hatheway, Clint Painter, Chad Jensen, and Nate Maxwell; Electrical Contractor: Dik Dahlquist, GEDKO Inc.; Electrical Journeyman: Mike Watkins, Zane Goodsell, and Edward Bills; Gas Fitting Apprentice: Steven R Storm; Trenching Contractor: Ryan Kaski, Kaski Homes; Trenching Journeyman: Tony Parker, Dean Williamson; Taxi Business: Wheelchair Services of the Black Hills Incorporated, Michael Eugene Weideman.

90. No. LF031605-15 Approve Travel Request for Barbara Garcia to attend NeighborWorks Training Institute in Minneapolis, April 18-22, 2005 in an approximate amount of \$2,364.

Raffles

101. Acknowledge Baseball 320, Inc. request to conduct raffle beginning May 10, 2005
 102. Acknowledge Court Appointed Special Advocate (CASA) Program request to conduct raffle of a child's playhouse beginning March 23, 2005 at the Rushmore Mall
 103. Acknowledge South Dakota School of Mines & Technology Student Chapter of the Society of Automotive Engineers request to conduct raffle beginning in March, 2005

END OF CONSENT CALENDAR

The Mayor presented the next item for discussion, request Council President to include electronic sign brightness and naming rights on the Informational Meeting schedule. Alderman Kooiker suggested an information meeting may not be the appropriate meeting to discuss this issue; and asked the Traffic Division to look at the complaint that this sign is a distraction to motorists. Alderman Olson noted that in addition to the electronic sign brightness, there is range of issues to be discussed in terms of the appropriateness of this signage in Memorial Park and the issues of compliance with the City's sign ordinance. Alderman Kroeger indicated this item could appear on the agenda for the Information Meeting on April 20, 2005 at three o'clock. Alderman Kooiker suggested it may be appropriate to implement a moratorium saying no more off-premises signage on City property until the issue is resolved. Kooiker moved to approve a request to the Council President to include electronic sign brightness and naming rights on the Informational Meeting schedule; with the stipulation that there will be a moratorium on off-premises signage on City property until the issue is resolved; second by French. Upon a roll call vote the motion, motion carried with the following voting AYE: Hadley, Chapman, French, Kroeger, Olson, Kooiker, Hurlbut, and Waugh; NO: Murphy and Johnson.

Hadley moved, second by Hurlbut and carried to reconsider Agenda Item Nos. 21 and 31.

The Mayor presented No. 05PL026, a request by Richard O. Stahl for a **Preliminary Plat** on Lots 1R, 2A, 2B, 3A, 3B, 4R and 5R of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1-5 of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of West Street and South Street. Kroeger moved, second by Hurlbut and carried to approve the Preliminary Plat with the following stipulations: 1. Prior to City Council approval, the plat shall be revised to show

“formerly Lots 1-5 of Stahl Victorian Addition” located within parentheses; 2. Prior to Preliminary Plat approval by the City Council, a complete site plan shall be submitted for review and approval showing all utilities, structural development and topographic information. In addition, the applicant shall demonstrate that the existing structures meet all the minimum yard setbacks or the plat document shall be revised to provide the setback(s) or a Variance to reduce the setback(s) as needed shall be obtained from the Zoning Board of Adjustments; 3. Prior to Preliminary Plat approval by the City Council, road construction plans for Hill Street shall be submitted for review and approval. In particular, the road construction plans shall show the construction of curb, gutter and sidewalk Hill Street or a Variance to the Subdivision Regulations shall be obtained; 4. All applicable provisions of the International Fire Code shall be continually met; and, 5. 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.

The Mayor presented No. 05SV014, a request by Renner Associates, LLC for Pam Godfrey for a **Variance to the Subdivision Regulations to allow platting one-half a section line right-of-way as per Chapter 16.12 of the Rapid City Municipal Code; to waive the requirement to dedicate additional right-of-way; to waive the requirement to install curb, gutter, sidewalk, water, sewer, street light conduit, storm drainage and pavement along the Section Line Highway, along the access easement and along the north/south collector road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota, located southwest of the intersection of Catron Boulevard and U.S. Highway 16. Hurlbut moved, second by Olson and carried to approve the Variance to the Subdivision Regulations with the following stipulations: 1. That the Variance to the Subdivisions Regulations to waive the requirement to dedicate additional right-of-way along the north/south collector road be approved; 2. That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, storm drainage and pavement along the north/south collector road be approved with the stipulation that prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements; 3. That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, storm drainage and pavement along the Section Line Highway be approved with the stipulation that prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements; 4. That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, storm drainage and pavement along the access easement be approved with the stipulation that prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and, 5. That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, storm drainage and pavement along US Highway 16 Frontage Road be approved with the stipulation that Prior to City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements along US Highway 16 Frontage Road; and that a Waiver of Right o Protest be signed prior to Final Plat approval.

Hurlbut moved, second by Waugh to (No. PW031605-04) Authorize staff to advertise for bids for Well #5 Pump Replacement Project No. W05-1450; CIP #50573; and inspect and lower pump equipment in Well #10. Motion carried.

The Mayor presented No. PW031604-07, authorize Mayor and Finance Officer to sign a Professional Services Agreement with Banner Associates for Engineering Services for Construction Fee Determinations and Miscellaneous Services, Project No. SSW04-1429; CIP #50571 for an amount not to exceed \$34,412.00. Responding to an inquiry from Alderman Kooiker, Jablonski indicated the consultant selection process was followed and a reasonable price was negotiated. He suggested his preference in the selection process is to send an RFP to all consultants that have pre-qualified. Johnson moved, second by Olson to authorize Mayor and Finance Officer to sign a Professional Services Agreement with Banner Associates for Engineering Services for Construction Fee Determinations and Miscellaneous Services, Project No. SSW04-1429; CIP #50571 for an amount not to exceed \$34,412.00. Motion carried.

The Mayor presented the next agenda item to authorize staff to implement Water Conservation Measures, April 1, 2005 to September 30, 2005. Alderman Kooiker pointed out the Council, in the past, has extended the conservation measure to November 30th; whereupon Kooiker moved, second by Hurlbut to authorize staff to implement Water Conservation Measures, April 1, 2005 to November 30, 2005. Motion carried.

French moved, second by Hurlbut to (No. PW031605-20) direct staff to prepare necessary documents for the agreement on Plum Creek/Elk's Country Estates Access; and to authorize the removal of the study area. Responding to an inquiry from Alderman Johnson about a preferred option, Growth Management Director Elkins pointed out an attached memorandum from the applicant's engineer and suggested the agreement would be drafted in accordance with the terms outlined in the memorandum. Elkins explained the intent of the committee was to waive the study area at this point in time to allow the projects to move forward in conjunction with that development agreement. Johnson indicated his willingness for staff to move forward with preparing the agreement for Council consideration, but the study area should remain in place until the agreement has been signed. Substitute motion made by Johnson to direct staff to prepare the documents for the agreement and continue the discussion to the next council meeting regarding the removal of the study area; second by Waugh. Elkins assured the Council that the platting process and stipulations there is adequate protection and it does not waive the requirement for an exception to be granted. She pointed out the key requirement is the forty unit rule and an exception will need to be granted by the Council before any plat can move forward. Upon a roll call vote on the substitute motion, the following voted AYE: Chapman, Kroeger, Johnson, Olson, and Waugh; NO: Hadley, Murphy, French, Kooiker, and Hurlbut. The Chair voted AYE to break a tie vote, and substitute motion carried.

Hurlbut moved, second by Waugh and carried to reconsider Agenda Item #70.

The Mayor presented No. PW031605-21, deny a request by Pam Godfrey to waive the requirement to annex Lots A and B of Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota. Elkins pointed out the property is located south on Hwy 16 and adjacent to the City limits. She explained the City's policy adopted in the 1980's requires land being platted,

adjacent to the City limits, be required to annex into the City. The Planning Commission recommendation is to enforce the policy. Petitioner, Pam Godfrey, 7051 South Hwy 16 explained she owns a portion of the property through a divorce settlement; indicated there is no intent to develop the property but only to change ownership title. She pointed out the property has no access to Hwy 16, objected to the property being designated commercial in the Future Land Use Plan and explained the land is currently being used for grazing. Johnson moved, second by Waugh to deny No. PW031605-21, a request by Pam Godfrey to waive the requirement to annex Lots A and B of Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota. Motion carried.

Johnson moved, second by Olson and carried to request staff to draft an agreement with Condrey & Associates to conduct a compensation review for grades 18 and below; and bring it back to the Legal and Finance Committee for review and approval.

The Mayor presented No. 04PL044, a request by Sperlich Consulting Inc. for Walgar Development for a **Layout and Preliminary Plat** on Lot 2 of Block 1, Minnesota Park Subdivision, located in the SW1/4 of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Wisconsin Avenue and East Minnesota Street. Hadley moved, second by Waugh and carried to deny without prejudice.

Waugh moved, second by Johnson and carried to approve Agenda Item Nos. 92 through 100.

92. No. 04PL154 - A request by Hewey Clemmons for a **Layout Plat** on Lots 1 thru 3 less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 5680 South Highway 79. (ACKNOWLEDGE THE APPLICANT'S REQUEST TO WITHDRAW THE LAYOUT PLAT.)
93. No. 04PL190 - A request by Wasteline, Inc. for Century Resources for a **Preliminary Plat** on Lot 4 of Block 1, and Lots 1 thru 3 of Block 2, Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4, Section 32, T2N, R8E BHM, Rapid City, Pennington County, South Dakota, located at 1705 East Anamosa Street. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Development Service Center Division; 2. Prior to Preliminary Plat approval by the City Council, geotechnical information for pavement and grading design shall be submitted for review and approval; 3. Prior to Preliminary Plat approval by the City Council, an enlarged grading plan shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by the City Council, the road construction plans shall be revised eliminating parking along Creek

Drive; 5. Prior to Preliminary Plat approval by the City Council, additional drainage information with calculations to demonstrate the correct pipe sizing, slopes, lengths, etc. shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed; 6. Prior to Preliminary Plat approval by the City Council, a permit from the South Dakota Department of Transportation to work in the right-of-way for work already completed shall be obtained; 7. Prior to Preliminary Plat approval by the City Council, the V-ditch now in place shall be modified to a 15 foot flat bottom ditch; 8. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to provide a structure to drain the ditch created by the extension of the 30 inch cross pipe located along East North Street; 9. Prior to Preliminary Plat approval by the City Council, revised water plans shall be submitted for review and approval. In particular, the water plans shall show the waterline encasement where it crosses the storm sewer. In addition, the plans shall show curb stops, valve boxes and the dimension and location of the water line. A minimum six foot cover shall also be provided; 10. Prior to Preliminary Plat approval by the City Council, revised sewer plans shall be submitted for review and approval. In particular, the sewer plans shall show the terminal riser on the end of the sanitary sewer and the manholes on the profile with rim and invert elevations. In addition, the plat document shall be revised to show a utility easement for the future connection to a sanitary sewer main extending off East Anamosa Street; 11. Prior to Preliminary Plat approval by the City Council, the applicant shall verify that the construction of Creek Drive does not interfere with the Black Hills Power existing switching module location; 12. All Uniform Fire Code shall be continually met; 13. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Creek Drive except for approved approach location(s). In addition, a non-access easement shall be shown along all of East Anamosa Street; and, 14. 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.)

94. No. 04PL192 - A request by Fisk Land Surveying & Consulting Engineers for a **Preliminary Plat** on Lot 3A revised and Block 11 of Fairway Hills Planned Residential Development, legally described as a tract of land located in the North One-Half of the Southwest One-Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) and in the Southwest One Quarter of the Northwest One-Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Fifteen (15), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the southeast corner of Lot 29R of Fairway Hills P.R.D., as shown on the plat filed on February 17, 1984 and recorded in Plat Book 19 on Page 124, said corner being marked by a rebar with survey cap number 3095; thence, South 73 degrees 09 minutes 46 seconds East, more or less, a distance of 4.84 feet more or less, to a point along the westerly edge of Fairway Hills Drive right-of-way, as shown on the plat filed on March 10, 1986 and recorded in Plat Book 20 on Page 224, said corner being marked by a rebar with survey cap number 6565; thence, southerly and along the westerly edge of said Fairway Hills Drive right-of-way, South 16 degrees 50 minutes 14 seconds West, more or less, a distance of 160.90 feet, more or less to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 96.87 feet, a delta of 17 degrees, 55 minutes, 27 seconds, an arc length of 30.30 feet, a chord bearing of South 25 degrees 58 minutes 25 seconds West, more or less, and a

chord distance of 30.18 feet, more or less, to a point of tangent on the westerly edge of said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way, South 34 degrees 46 minutes 00 seconds West, more or less, a distance of 496.97 feet, more or less to a point of curvature on said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northwesterly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 151.11 feet, a delta of 91 degrees 35 minutes 13 seconds, an arc length of 241.55 feet, a chord bearing of South 80 degrees 36 minutes 45 seconds West, more or less, and a chord distance of 216.64 feet, more or less, to a point of tangent along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, North 53 degrees 37 minutes 38 seconds West, more or less, a distance of 69.36 feet, more or less, to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way and curving to the left on a curve with a radius of 230.00 feet, a delta of 4 degrees, 41 minutes 57 seconds, an arc length of 18.86 feet, a chord bearing of North 56 degrees 09 minutes 17 seconds West, more or less and a chord distance of 18.86 feet, more or less, to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, as shown on the plat filed September 22, 2004 and recorded in Plat Book 32 on page 94, and curving to the left on a curve with a radius of 230.00 feet, a delta of 16 degrees 30 minutes 34 seconds, an arc length of 66.27 feet, a chord bearing of North 66 degrees 39 minutes 30 seconds West, more or less and a chord distance of 66.04 feet, more or less to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point also being the southeast corner of Lot 16 of Block 10 of Fairway Hills PRD, as shown on the aforementioned plat, said point being marked by a rebar with survey cap number 6565; thence, northeasterly along the easterly line of said Lot 16 in Block 10 of Fairway Hills PRD, North 14 degrees 38 minutes 21 seconds East, more or less, a distance of 102.58 feet, more or less, to the northeast corner of said Lot 16, said corner being coincident with the southeast corner of Lot 15 of Block 10 of Fairway Hills PRD, and said corner being marked by a rebar with survey cap number 6565; thence, northeasterly along the easterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, North 14 degrees 38 minutes 21 seconds East, more or less, a distance of 83.44 feet, more or less to a point on the easterly lot line of said Lot 15, said point being marked by a rebar with survey cap number 6565; thence, northwesterly along the northeasterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, North 25 degrees 09 minutes 50 seconds West, more or less, a distance of 132.38 feet, more or less to the northerly corner of said Lot 15, said corner being coincident with the northeast corner of Lot 14 of Block 10 of Fairway Hills PRD and also coincident with the southeast corner of Lot 3B of Fairway Hills PRD, as shown on the plat filed July 9, 1980 and filed in plat Book 17, Page 189, and also coincident with the westerly lot line of Lot 3A of Fairway Hills PRD, as shown on the plat filed November 21, 1979 and recorded in Plat Book 17 on Page 132, said corner being marked by a rebar with survey cap number 1019; thence, northeasterly along the easterly lot line of said Lot 3B of Fairway Hills PRD and the westerly line of said Lot 3A of Fairway Hills PRD, North 17 degrees 55 minutes 58 seconds East, more or less, a distance of 191.15 feet, more or less, to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being marked by a rebar with survey cap

number 6565; thence, northwesterly along the easterly lot line of said Lot 3B of Fairway Hills PRD and the westerly line of said Lot 3A of Fairway Hills PRD, North 20 degrees 01 minutes 18 seconds West, more or less, a distance of 326.69 feet, more or less to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being coincident with the southwest corner of Lot H1 of Lot 3A of Fairway Hills PRD as shown on the plat filed on August 30, 1991 and recorded in Book 8 of Highway Plats on Page 39, said corner being marked by a rebar with survey cap number 6565; thence, northeasterly along the southerly line of said Lot H1 of Lot 3A of Fairway Hills PRD, North 57 degrees 02 minutes 43 seconds East, more or less, a distance of 77.75 feet, more or less, to the southeasterly corner of said Lot H1 of Lot 3A, said point also being located on the northeasterly lot line of said Lot 3A of Fairway Hills PRD and also on the southwestery line of Lot 2 of Fairway Hills PRD, as shown on the plat filed on November 30, 1977 and recorded in Plat Book 15 of Page 215; said corner being marked by a rebar with survey cap number 6565; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southwestery line of said Lot 2 of Fairway Hills PRD, South 22 degrees 24 minutes 27 seconds East, more or less, a distance of 100.94 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwestery line of said Lot 2, said point being marked by a rebar with survey cap number 3095; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southwestery line of said Lot 2 of Fairway Hills PRD, South 40 degrees 29 minutes 56 seconds East, more or less, a distance of 133.62 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwestery line of said Lot 2, said point being marked by a rebar with survey cap number 1019; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southerly line of said Lot 2 of Fairway Hills PRD, South 76 degrees 54 minutes 53 seconds East, more or less, a distance of 221.11 feet, more or less, to a point on the northeasterly lot line of said Lot 3A, said point being coincident with the southeast corner of said Lot 2 of Fairway Hills PRD and also coincident with the westerly line of Lot 30 of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and recorded in Plat Book 19 on page 124, said point being marked by a rebar with survey cap number 1019; thence, southerly along the easterly line of said Lot 3A of Fairway Hills PRD and along the westerly line of said Lot 30 of Fairway Hills PRD, South 08 degrees 05 minutes 24 seconds East, more or less, a distance of 102.89 feet, more or less, to a point on the easterly line of said Lot 3A, said point being coincident with the southwest corner of said Lot 30, said point being marked by a rebar with survey cap number 3095; thence, northeasterly along the southerly line of said Lot 30 of Fairway Hills PRD, North 76 degrees 46 minutes 01 seconds East, more or less, a distance of 105.59 feet, more or less to the southeast corner of said Lot 30, said corner also being coincident with the southwestery corner of Lot 29R of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and filed in Page Book 19 and Page 124, said corner being marked by a rebar with survey cap number 3095; thence, easterly along the southerly lot line of said Lot 29R of Fairway Hills PRD, North 76 degrees 42 minutes 20 seconds East, more or less, a distance of 161.03 feet, more or less, to a point on the southerly lot line of said Lot 29R, said point being marked by a rebar with survey cap 3095; thence, easterly along the southerly lot line of said Lot 29R of Fairway Hills PRD, North 87 degrees 22 minutes 22 seconds East, more or less, a distance of 66.97 feet, more or less, to the point of beginning. Said tract of land contains 8.00 acres, more or less, located west of Fairway Hills Drive and east of Sheridan Lake Road. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City

Council, water plans shall be submitted for review and approval. In particular, the plans shall show domestic service from the eight inch high pressure water main located in Fairway Hills Drive and fire hydrant service connections to the 16 inch low pressure water main located west of the subject property; 2. Prior to Preliminary Plat approval by the City Council, the applicant shall enter into an agreement with the City for future off-site high pressure water main improvements in exchange for being able to connect to the existing eight inch high pressure water main located in Fairway Hills Drive; 3. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; and, 4. 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.)

95. No. 04PL194 - A request by Sperlich Consulting, Inc. for Dennis Zandstra for a **Layout and Preliminary Plat** on Jolly Lane Right-of-Way extended south to section line, legally described as a portion of Tract 1 of Elks Country Estates, located in the SE1/4, of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Jolly Lane. (APPROVE LAYOUT AND PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings and submitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management staff; 2. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 3. Prior to Preliminary Plat approval by the City Council, typical sections be revised as per the Street Design Criteria Manual or an Exception to the manual be submitted; 4. Prior to submittal of a Final Plat application, the plat document shall be revised to include the required "Final Plat Certificates" and Title; and, 5. 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.)
96. No. 05PL018 - A request by Renner & Associates for the Canyon Lake Senior Citizen Center for a **Preliminary Plat** on Tract 1, Canyon Lake Senior Citizens Center, located in the NW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2900 Canyon Lake Drive. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; 2. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed; 3. Prior to Preliminary Plat approval by the City Council, construction plans for Canyon Lake Drive shall be submitted for review and approval. In particular, the construction plans shall show the construction of a sidewalk along the southeast side of Canyon Lake Drive as it abuts the subject property or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 5. Prior to submittal of a Final Plat application, the plat document shall be revised to clarify the numerous easements located on the property; and, 6. 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.)

97. No. 05PL019 - A request by Joel Boylan for a **Preliminary Plat** on Lot 21A and 21B, Block 3 of Moon Meadows Estates Subdivision, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 21, Block 3 of Moon Meadows Estates Subdivision, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, located at 3025 Moon Meadows Drive. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the Planning Commission, a revised structural site plan shall be submitted for review and approval identifying the location of the existing on-site well and wastewater system; 2. Prior to Preliminary Plat approval by the Planning Commission, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then percolation information demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval; 3. Prior to Preliminary Plat approval by the Planning Commission, 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. If on-site well(s) are used, data to confirm that the well(s) have sufficient flows and water quality shall be submitted for review and approval. If a shared well is proposed than it shall be designed as a public water system. In addition, the plat document shall be revised to show utility easement(s) as needed; 4. Prior to Preliminary Plat approval by the City Council, road construction plans for Moon Meadows Drive shall be submitted for review and approval. In particular, the road construction plans shall show Moon Meadows Drive located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised dedicating 17 additional feet of right-of-way along Moon Meadows Drive; 5. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 6. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Moon Meadows Drive except for the approved approach location(s); 7. Prior to submittal of a Final Plat application, the plat document shall be revised to include the township, range and section in the plat title and to correct the lot number on the adjacent property from Lot 21 to Lot 20; 8. Upon submittal of a Final Plat application, a note shall be placed on the plat indicating that at the time a Building Permit is applied for, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided; and, 9. 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.)
98. No. 05PL029 - A request by Ted Schultz, CETEC Engineering Services, Inc. for Generations Care, LLC for a **Layout Plat** on Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 13B, 14 and Outlot A of Block 1; and Lots 15A, 15B, 16A, 16B, 17A, 17B, 18A, 18B and Outlot B of Block 2; and dedicated Right-of-Way of Fountain Springs Park Subdivision located in the NW1/4 of SW1/4, Section 26 and the NE1/4 of SE1/4 of Section 27 and the SE1/4 of NE1/4 of

Section 27, T2N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, legally described as property described by metes and bounds beginning at the southwesterly corner of Tract H of Wesleyan Christian Center, thence N76°34'25" E a distance of 263.55'; thence N17°48'36" W a distance of 117.79 feet; thence N37°51'47" W a distance of 289.90 feet; thence N17°26'29" W a distance of 160.98 feet; thence S72°34'40" W a distance of 96.01 feet; thence N28°03'17" W a distance of 156.68 feet; thence N72°09'41" E a distance of 374.59 feet; thence S17°42'19" E a distance of 272.78 feet; thence S37°37'39" E a distance of 288.47 feet; thence S72°03'18" W a distance of 106.09 feet; thence S57°08'25" W a distance of 52.00 feet; thence with a curve turning to the right with a radius of 149.99 feet, with an arc length of 39.01 feet, with a chord bearing of S25°22'55" E, with a chord length of 38.90 feet, thence S 17°50'42" E a distance of 299.76 feet; thence S27°16'02" W a distance of 14.10 feet; thence S72°12'20" W a distance of 256.46 feet; thence with a curve turning to the right with a radius of 169.61 feet, with an arc length of 110.82 feet, with a chord bearing of N89°04'34" W, with a chord length of 108.86 feet, thence N70°21'28" W a distance of 53.50 feet; thence with a curve turning to the left with a radius of 333.35 feet, with an arc length of 162.43 feet, with a chord bearing of N00°31'09" E, with a chord length of 160.83 feet; which is the point of beginning, having an area of 251605.92 square feet, 5.776 acres all lying in the NW1/4 of SW1/4, Section 26 and the NE1/4 of SE1/4 of Section 27 and the SE1/4 of NE1/4 of Section 27, T2N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, located northwest of Harmony Heights Lane and Sunny Springs 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 addition, the plat document shall be revised to provide drainage easements as needed; 2. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of private and public utilities through the subject property as well as to adjacent properties; 3. Upon submittal of a Preliminary Plat application, construction plans for Plaza Drive shall be submitted for review and approval. In particular, the construction plans shall show Plaza Drive constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision shall be obtained; 4. Upon submittal of a Preliminary Plat application, construction plans for Wesleyan Boulevard, Harmony Heights Lane and Sunny Springs Road shall be submitted for review and approval. In particular, the construction plans shall show the streets constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision shall be obtained; 5. Upon submittal of a Preliminary Plat application, road construction plans for the north-south section line highway located through the subject property shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway 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 or the section line highways shall be vacated; 6. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along Plaza Boulevard except for the approved approach location(s), the first 75 feet along the southwest corner of Lot 2A and the first 50 feet along the balance of the corner lots; 7. Upon submittal of a Preliminary Plat application, a subdivision cost estimate shall be submitted for review and approval; 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen

easement along Plaza Boulevard or a Variance to the Subdivision Regulations shall be obtained; and, 9. 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.)

99. No. 05PL031 - A request by D.C. Scott Co., Land Surveyors for Highmark Builders for a **Preliminary Plat** on Lot AR, Lot BR, Lot Cr, Lot D and Revised Well Lot of Miracle Place Subdivision, located in the SE1/4 SE1/4 of Section 8, and in the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Lot B, Lot C and Well Lot of Miracle Place Subdivision located in the SE1/4 SE1/4 of Section 8, and in the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Miracle Place. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, a complete site plan shall be submitted for review and approval showing all utilities, structural development and topographic information. In addition, the applicant shall demonstrate that the existing structures meet all the minimum yard setbacks or the plat document shall be revised to provide the setback(s) or a Variance to reduce the setback(s) as needed shall be obtained from the Zoning Board of Adjustments; 2. Prior to Preliminary Plat approval by the City Council, a revised drainage plan, including run-off for the additional lot, shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed; 3. Prior to Preliminary Plat approval by the City Council, water plans showing the design of the community water system shall be submitted for review and approval. In particular, the applicant shall demonstrate that domestic flow requirement(s) are being met for all four lots; 4. Prior to Preliminary Plat approval by the City Council, road construction plans for Cliff Drive shall be submitted for review and approval. In particular, the road construction plans shall show the construction of street light conduit, sidewalk, curb, gutter and water along Cliff Drive or a Variance to the Subdivision Regulations shall be obtained; 5. Prior to Preliminary Plat approval by the City Council, road construction plans for Miracle Place shall be submitted for review and approval. In particular, the road construction plans shall show the construction of street light conduit, sidewalk, curb, gutter and water along Miracle Place or a Variance to the Subdivision Regulations shall be obtained; 7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 8. The International Fire Code shall be continually met; 9. Prior to submittal of a Final Plat application, all of the affected utility companies shall submit written documentation concurring with the revised lot configuration(s) or the plat document shall be revised retaining an eight foot wide utility easement along the existing lot line(s); and, 10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)
100. No. 05PL032 - A request by Sperlich Consulting, Inc. for Kensington Heights, LLC for a **Layout Plat** on Lots 18 through 21 of Block 1, Lots 6 through 19 of Block 3, and Lots 1 through 10 of Block 4, Kensington Heights Subdivision located in "Government" Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 of the S1/2 of "Government" Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Elm Avenue and Enchanted Pines 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 addition, the plat document shall be revised to provide drainage easements as needed; 2. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of private and public utilities through the subject property as well as to adjacent properties; 3. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the dedication of the east half of Elm Avenue located on the adjacent property or the right-of-way shall be dedicated as a part of a separate plat action or as an "H Lot". In addition, construction plans for Elm Avenue shall be submitted for review and approval. In particular, the construction plans shall show Elm Avenue 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, sewer and water or a Variance to the Subdivision Regulations shall be obtained; 4. Upon submittal of a Preliminary Plat application, construction plans for Enchanted Pines Drive shall be submitted for review and approval. In particular, the construction plans shall show Enchanted Pines Drive located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained; 5. Upon submittal of a Preliminary Plat application, construction plans for Dawn Drive and Field View Drive shall be submitted for review and approval. In particular, the 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, sewer and water or a Variance to the Subdivision Regulations shall be obtained; 6. Upon submittal of a Preliminary Plat application, construction plans for Ebenezer Court, Marley Court and Dickens Court shall be submitted for review and approval. In particular, the three 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. 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; 7. 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 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 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; 8. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along Elm Avenue, Enchanted Pines Drive and the first fifty feet of all corner lots; 9. Upon submittal of a Preliminary Plat application, a subdivision cost estimate shall be submitted for review and approval; 10. Prior to submittal of a Final Plat, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; 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.)

PUBLIC HEARINGS

The Mayor presented No. 04CA060, a request by City of Rapid City for an **Amendment to the Comprehensive Plan amending the Major Street Plan by eliminating and realigning several collector and arterial roads** all located in Sections 23, 24, 25, 26, 34, 35 and 36 in T1N, R7E, BHM, Pennington County, South Dakota, and Sections 19, 29, 30, 31 and 32, T1N, R8E, BHM, Pennington County, South Dakota, and Sections 1, 2, 3, 11 and 12, T1S, R7E, BHM, Pennington County, South Dakota, and Sections 5, 6, 7, 8, 17 and 18, T1S, R8E, BHM, Pennington County, South Dakota, located south of US Highway 16B (Catron Boulevard), north of Spring Creek Road, east of US Highway 16 and west of SD Highway 79. Hadley moved, second by Hurlbut and carried to deny without prejudice.

The Mayor presented No. 05CA012, a request by Ted Schultz, CETEC Engineering Services, Inc. for Generations Care, LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on an approximate 5.776 acre parcel from Park Forest to Office Commercial with a Planned Residential Development** on property described by metes and bounds beginning at the southwesterly corner of Tract H of Wesleyan Christian Center, thence N76°34'25" E a distance of 263.55 feet; thence N17°48'36" W a distance of 117.79 feet; thence N37°51'47" W a distance of 289.90 feet; thence N17°26'29" W a distance of 160.98 feet; thence S72°34'40" W a distance of 15.98 feet; thence N17°50'19" W a distance of 154.78 feet; thence N72°09'41" E a distance of 266.78 feet; thence S17°42'19" E a distance of 272.78 feet; thence S 37°37'39" E a distance of 288.47 feet; thence S 72°03'18" W a distance of 106.09 feet; thence S 57°08'25" W a distance of 52.00 feet; thence with a curve turning to the right with a radius of 149.99 feet, with an arc length of 39.01 feet, with a chord bearing of S 25°22'55" E, with a chord length of 38.90 feet, thence S 17°50'42" E a distance of 299.76 feet; thence S 27°16'02" W a distance of 14.10 feet; thence S 72°12'20" W a distance of 256.46 feet; thence with a curve turning to the right with a radius of 169.61 feet, with an arc length of 110.82 feet, with a chord bearing of N89°04'34" W, with a chord length of 108.86 feet, thence N70°21'28" W a distance of 53.50 feet; thence with a curve turning to the left with a radius of 333.35 feet, with an arc length of 162.43 feet, with a chord bearing of N00°31'09" E, with a chord length of 160.83 feet; which is the point of beginning, having an area of 251605.92 square feet, 5.776 acres all lying in the NW1/4 of SW1/4, Section 26 and the NE1/4 of SE1/4 of Section 27 and the SE1/4 of NE1/4 of Section 27, T2N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, located northwest of Harmony Heights Lane and Sunny Springs Drive. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 21st day of March, 2005 to consider an amendment to the Comprehensive Plan to change the future land use designation on an approximate 5.776 acre parcel from Park Forest to Office Commercial with a Planned Residential Development, on property described by metes and bounds beginning at the southwesterly corner of Tract H of Wesleyan Christian Center, thence N76°34'25" E a distance of 263.55 feet; thence N17°48'36" W a distance of 117.79 feet; thence N37°51'47" W a distance of 289.90 feet; thence N17°26'29" W a distance of 160.98 feet; thence S72°34'40" W a distance of 15.98 feet; thence N17°50'19" W a distance of 154.78 feet; thence N72°09'41" E a distance of 266.78 feet; thence S17°42'19" E a distance of 272.78 feet; thence S 37°37'39" E a distance of 288.47 feet; thence S 72°03'18" W a distance of 106.09 feet; thence S 57°08'25" W a distance of 52.00 feet; thence with a curve turning to the right with a radius of 149.99 feet, with an arc

length of 39.01 feet, with a chord bearing of S 25°22'55" E, with a chord length of 38.90 feet, thence S 17°50'42" E a distance of 299.76 feet; thence S 27°16'02" W a distance of 14.10 feet; thence S 72°12'20" W a distance of 256.46 feet; thence with a curve turning to the right with a radius of 169.61 feet, with an arc length of 110.82 feet, with a chord bearing of N89°04'34" W, with a chord length of 108.86 feet, thence N70°21'28" W a distance of 53.50 feet; thence with a curve turning to the left with a radius of 333.35 feet, with an arc length of 162.43 feet, with a chord bearing of N00°31'09" E, with a chord length of 160.83 feet; which is the point of beginning, having an area of 251605.92 square feet, 5.776 acres all lying in the NW1/4 of SW1/4, Section 26 and the NE1/4 of SE1/4 of Section 27 and the SE1/4 of NE1/4 of Section 27, T2N, R7E, B.H.M. 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, that the Rapid City Comprehensive Plan be amended as attached to the original hereof and filed in the Finance Office.

Dated this 21st day of March, 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 Hurlbut. Upon a vote on the motion to approve, the following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut, and Waugh; NO: None; whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 05CA013, a request by Fisk Land Survey & Consulting Engineers for Donald Potts for an **Amendment to the Comprehensive Plan to change the future land use designation on an approximate 13.78 acre parcel from Low Density Residential to Park Forest** on Lot 1 and Lot 2, Potts Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4 less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 6105 Covenant Drive. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 21st day of March, 2005 to consider an amendment to the Comprehensive Plan to change the future land use designation on an approximate 13.78 acre parcel from Low Density Residential to Park Forest, on property in the SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4 less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefore

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

Dated this 21st day of March, 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 Hurlbut. Upon a vote on the motion to approve, the following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut, and Waugh; NO: None; whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 04SV062, a request by Hewey Clemmons for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to provide additional pavement, along SD Highway 79 and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along SD Highway 79 and to reduce the right-of-way width from 59 feet to 20 feet for the interior street and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the interior street as per Chapter 16.16 of the Rapid City Municipal Code** on Lot B less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 5680 South Highway 79. Hadley moved, second by Hurlbut and carried to acknowledge the applicant's request to withdraw the application.

Hadley moved, second by Hurlbut and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit and additional pavement along Reservoir Road and Long View Road as they abut 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. (04SV080)

The Mayor presented No. 04SV080, a request by Sperlich Consulting Inc. for Gordon Howie for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement and to waive the requirement to provide a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code** on a portion of Tract T of Trailwood Village, located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 3 of Block 22, Trailwood Village, Thence, S00°03'09"W, a distance of 346.91 feet to the northeasterly corner of the boundary, and the Point of Beginning; Thence, first course: S00°05'47"W, a distance of 317.18 feet, to the southeasterly corner of said boundary; Thence, second course: S89°49'52"W, a distance of 227.28 feet, to the southwesterly corner of said boundary; Thence, third course: N00°04'24"W, a distance of 199.81 feet, to the northerly corner of said boundary; Thence, fourth course: N65°25'59"W, a distance of 24.18 feet, to the northwesterly corner of said boundary; Thence, fifth course: N00°04'24"E, a distance of 35.04 feet, to the northerly corner of said boundary; Thence, sixth course: S89°55'36"E, a distance of 40.00 feet, to the northeasterly corner of said boundary; Thence, seventh course: N00°04'24"E, a distance of 73.27 feet, to the northerly corner of said boundary; Thence, eighth course: S89°55'36"E, a distance of 209.43 feet, to the northeasterly corner of said boundary, and the Point of Beginning, said parcel contains 1.460 acres more or less, located at the northwest corner of the intersection of Long View Road and Reservoir Road. Hadley moved, second by Waugh and carried to approve the Variance to the Subdivision Regulations with the following stipulations: Variance to the Subdivision Regulations to waive the requirement to provide a ten foot wide planting screen easement be denied and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation: 1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, sidewalk, street light conduit and additional pavement along Reservoir Road and Long View Road.

The Mayor presented No. 05SV007, a request by Ron Blum for Montana-Dakota Utilities Co. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and pavement as per Chapter 16.16 of the Rapid City Municipal Code** 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 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. Hadley moved, second by Hurlbut and carried to deny.

Hadley moved, second by Waugh and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of sidewalk along Canyon Lake Drive as it abuts Tract 1, Canyon Lake Senior Citizens Center, located in the NW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2900 Canyon Lake Drive. (05SV009)

The Mayor presented No. 05SV009, a request by Renner & Associates for the Canyon Lake Senior Citizen Center for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and storm**

sewer as per Chapter 16.16 of the Rapid City Municipal Code on Tract 1, Canyon Lake Senior Citizens Center, located in the NW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2900 Canyon Lake Drive. Hadley moved, second by Waugh and carried to approve the Variance to the Subdivision Regulations with the following stipulations: Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and storm sewer along Canyon Lake Drive be tabled and that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Canyon Lake Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvement.

Hadley moved, second by Hurlbut and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, sewer and water along Moon Meadows Drive as it abuts Lot 21A and 21B, Block 3 of Moon Meadows Estates Subdivision, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 21, Block 3 of Moon Meadows Estates Subdivision, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, located at 3025 Moon Meadows Drive. (05SV010)

The Mayor presented No. 05SV010, a request by Joel Boylan 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 Lot 21A and 21B, Block 3 of Moon Meadows Estates Subdivision, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 21, Block 3 of Moon Meadows Estates Subdivision, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, located at 3025 Moon Meadows Drive. Hadley moved, second by Waugh and carried to approve the Variance to the Subdivision Regulations with the following stipulations: Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

The Mayor presented No. 05SV011, a request by Fisk Land Surveying and Consulting Engineers for Donald Potts for a **Variance to the Subdivision Regulations to allow platting one-half a section line right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on the SW1/4 SW1/4 SE1/4 & SE1/4 SW1/4 SE1/4, less Lot H-1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Haugo Drive and Catron Boulevard. Hadley moved, second by Waugh and carried to deny without prejudice.

The Mayor presented No. 04VR013, a request by Fisk Land Surveying & Consulting Engineers for Donald Potts for a **Vacation of a portion of undeveloped section line right-of-way** on the SW1/4, SW1/4, SE1/4 and SE1/4, SW1/4, SE1/4, less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 6105 Covenant Drive. Hadley moved, second by Hurlbut and carried to continue to the April 4, 2005 Council meeting.

The Mayor presented No. 05VR001 - A request by Fisk Land Surveying and Consulting Engineers for Donald Potts for a **Vacation of Section Line Right-of-Way** on Lots 1 and 2 of Utility Subdivision and NW1/4 NE1/4, Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Haugo Drive and Catron

Boulevard. Hadley moved, second by Hurlbut and carried to continue to the April 4, 2005 Council meeting.

The Mayor announced that the meeting was open for consideration of the assessment roll for Miscellaneous Property Cleanup (No. CC032105-03). Notice of hearing was mailed to the affected property owners on February 22, 2005 and published in the Rapid City Journal on March 12, 2005. Finance Officer Preston reported that Donald T. Englebert, South Boulevard, Lot 19 and 20 less Hwy Rt., Block 1 explained he no longer owns the property, the property was just transferred, and he was not the owner of record at the time notices were mailed. Timothy Brookes, Schnasse Subdivision, E 42' of Lot 9, Block 18 explained his military duty was in Iraq during the time the City towed two vehicles from his property. Brookes protested the amount of the assessment and challenged the assessment based on notification and having no opportunity to correct the situation. He indicated the vehicles have been surrendered to cover the towing company charges. He suggested he would agree to pay forty-two dollars to the City for the site inspection fee. Kooiker moved to approve this with an amendment to No. 1 to take the \$262.00 out and reduce it to \$42.00. Second by French. Assistant City Attorney Landeen asked for continuance to allow staff to research records. Substitute motion made by French, second by Johnson to approve the remainder of the list and refer the first item to Legal & Finance meeting. Alderman Hadley suggested the Council hear the remaining requests before making a motion. With the consent of the Council, Alderman French withdrew the substitute motion. Daniel Jongeling, Dakota Plains Legal Services representing Stanley & Dorothy Rosheim, Boulevard Addition, Lot 16, Block 9, explained the homeowners have questioned the \$5,306.35 being assessed. Jongeling indicated the homeowners were aware a nuisance was declared on the property and it was determined a cleanup operation was necessary. The property owners were advised that they would be assessed for the cost of the cleanup and it would not exceed \$3,000; and reportedly the owners signed a document indicating they acknowledge there will be an assessment and responsible for the cost. Jongeling reported the property owner was concerned about the cleanup operations and suggested to him that items were removed from the home that had some value and these items were salvaged. Jongeling stated the property owners are asking the Council to reduce the assessment to \$3,000. He pointed out the property owners are elderly, in failing health, live on a fixed income, and have moved from this home. Assistant City Attorney Landeen explained that the agreement is not for the stated amount, but only that the owner would be responsible for the entire cost. The agreement includes the dates when the cleanup of the property was to commence and the date when the property owner was to have removed their possessions. He explained that an inspection of the property has determined the home is a substandard structure; and a court order is in place that indicated that no one can occupy the house. He indicated that all items removed from the structure were to have been placed in a dumpster and taken to the landfill. Substitute motion was made by Olson, second by Hurlbut to approve the list excluding the items relating to Stanley & Dorothy Rosheim and Timothy Brookes to be discussed at Legal & Finance. Landeen indicated it was not appropriate to make motion at this time; but more appropriate to finish public hearing and make motion after public hearings is closed to take action on the item. With the consent of the Council, Alderman Olson withdrew the substitute motion. With the consent of the Council, Alderman Kooiker withdrew the original motion. Hadley moved, second by Olson and carried to close the public hearing. With the exclusion of the following properties: Timothy S. Brookes, 5586 Greenwood Lane, Rapid City, SD 57703, Schnasse Subdivision, E 42' of Lot 9, Block 18; Stanley & Dorothy Rosheim, 1122 Quincy Street, Rapid City, SD 57701, Boulevard Addition, Lot 16, Block 9; and Donald T. Englebert, 237 Saint Patrick Street, Rapid City, SD 57701, South Boulevard, Lot 19

and Lot 20 less Hwy Rt., Block 1; the following Resolution was introduced, read and Olson 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 21st day of March, 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, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut, and Waugh; NO: Murphy; whereupon said Resolution was declared duly passed and adopted.

Johnson moved, second by Olson to refer Timothy S. Brookes, 5586 Greenwood Lane, Rapid City, SD 57703, Schnasse Subdivision, E 42' of Lot 9, Block 18; Stanley & Dorothy Rosheim, 1122 Quincy Street, Rapid City, SD 57701, Boulevard Addition, Lot 16, Block 9; and Donald T. Englebert, 237 Saint Patrick Street, Rapid City, SD 57701, South Boulevard, Lot 19 and Lot 20 less Hwy Rt., Block 1 to the March 30, 2005 Legal & Finance Committee meeting.

ORDINANCES & RESOLUTIONS

Ordinance No. 5042 (No. LF030205-16), Amending the Rapid City Economic Development and Civic Improvements Fund By Amending Section 3.16.020 of the Rapid City Municipal Code having passed first reading on March 7, 2005, it was moved by Murphy, second by French that the title be read the second time. Rick Kriebel, 1304 38th Street addressed the Council on the proposed changes and suggested the changes open 2012 funds to pay for operations and maintenance costs. Mayor Shaw reported a considerable amount of discussion between the 2012 committees and City Attorney's Office because of questions as to why some things had been determined by the City Attorney's Office to apply or not apply in certain categories. The proposed changes are an attempt to clean that up. Assistant City Attorney Landeen explained

one of the concerns was especially on the definition of, before it was municipal building rather than structure, and that had caused some concern. The change is a clarification of the meaning of structure. He indicated it added municipal parking facilities, acquisition of water and water rights, and the programs that facilitate the construction of infrastructure. These were added at the request of the committees and Council and approved by the Legal & Finance Committee. Alderman Johnson stressed this language is not added to have operations and maintenance, that is not the intent of the ordinance. He explained there is a specific proposal before the 2012, which the Attorney designated as a program, and exempts that proposal totally from Economic Development and includes it in the Civic programs. The changes do not have the intention nor will allow operation and maintenance. Responding to a question from Alderman Kooiker, Landeen indicated that this was also his interpretation of the changes. Kooiker expressed concern with changing the ordinance at the end of the 2012 hearing process and suggested it may be appropriate to have another round of hearings. Johnson indicated that he did not anticipate more projects coming forward due to the proposed ordinance change. He explained that these changes resulted from the 2012 committee discussions and recommendations. Kriebel expressed concern and asked for assurance that 2012 funds not be used for O&M costs. Responding to Alderman Kooiker about adding a clause, Landeen suggested if Council desired, language could be included in the ordinance. He pointed out that programs have nothing to do with constructing a building; and indicated operation and maintenance costs will not be eligible for 2012 funding. Substitute motion was made by Kooiker, second by Hurlbut to continue second reading of Ordinance No. 5042 to the March 28, 2005 special Council meeting, and request the City Attorney to include an amendment that 2012 funds would not be use for operations, management and maintenance costs. Johnson spoke against the continuance reminding the Council that a 2012 presentation will be made in April. Upon a roll call vote on the substitute motion, the following voted AYE: Kooiker and Hurlbut; NO: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson and Waugh. Substitute motion failed.

Upon a vote to approve second reading, the following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut and Waugh; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 5042 was declared duly passed upon it's second reading.

Ordinance No. 5041 (No. 05OA001), Amending Section 17.50.080 of the Rapid City Municipal Code to Include Multiple-Family Dwellings in Planned Residential Developments having passed first reading on March 7, 2005; it was moved by Chapman, second by Hadley that the title be read the second time. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut and Waugh; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 5041 was declared duly passed upon it's second reading.

Ordinance No. 5046 (No. LF021605-12), An Ordinance to Modify the Allocation of the City's Retail Occupational Sales and Service Tax by Amending Section 3.16.060 of the Rapid City Municipal Code was introduced. Upon a motion made by Hadley, seconded by Murphy and carried, Ordinance 5046 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, April 4, 2005 at 7:00 P.M.

Ordinance No. 5035 (No. 05RZ011), a request by City of Rapid City for a **Rezoning from No Use District to General Commercial District** on Lot H7 in the SW1/4 of Section 27 and Lot H1

in Tract B in the NE1/4 SW1/4 of Section 27, all located in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of I-90 at Exit 61 was introduced. Upon a motion made by Chapman, seconded by Olson and carried, Ordinance 5035 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, April 4, 2005 at 7:00 P.M.

Ordinance No. 5047 (No. 05RZ019), a request by Sperlich Consulting for Doeck, LLC for a **Rezoning from Low Density Residential District to Low Density Residential - II District** on a portion of the NW1/4 of the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the southwest corner of Lot 1 of Block 3 of Auburn Hills Subdivision, common to a point on the northerly edge of the right-of-way of Auburn Drive, and the Point of Beginning; Thence, first course: westerly, along the northerly edge of the right-of-way of said Auburn Drive, curving to the left on a curve with a radius of 326.00 feet, a delta angle of $7^{\circ}19'33''$, an arc length of 41.68 feet, a chord bearing of $N86^{\circ}06'36''W$, and a chord distance of 41.65 feet, to a point of tangency; Thence, second course: $N89^{\circ}46'22''W$, along the northerly edge of right-of-way of said Auburn Drive, a distance of 231.17 feet; Thence, third course: $N00^{\circ}13'38''E$, a distance of 108.83 feet; Thence, fourth course: $S89^{\circ}46'22''E$, a distance of 272.69 feet, to the northwest corner of said Lot 1 of Block 3 of Auburn Hills; Thence, fifth course: $S00^{\circ}11'53''W$, along the westerly boundary of said Lot 1 of Block 3, a distance of 111.49 feet, to the southwest corner of said Lot 1 of Block 3, common to a point of the northerly edge of the right-of-way of Auburn Drive, and the Point of Beginning; Said Parcel contains 29,716 square feet or 0.682 acres more or less, located at the intersection of Charmwood Drive and Auburn Drive was introduced. Upon a motion made by Chapman, seconded by Waugh and carried, Ordinance 5047 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, April 4, 2005 at 7:00 P.M.

Ordinance No. 5048 (No. 05RZ020), a request by Sperlich Consulting for Kensington Heights LLC for a **Rezoning from Low Density Residential District to Low Density Residential - II District** on Lots 1 through 5, Block 3, Kensington Heights Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of the intersection of Davin Drive and Field View Drive was introduced. Motion was made by Chapman, seconded by Waugh to place Ordinance 5048 was placed upon its first reading. Substitute motion was made by French, second by Waugh to continue First Reading of Ordinance 5048 to the April 4, 2005 Council meeting.

Ordinance No. 5049 (No. 05RZ021), a request by Buescher Frankenberg Associates for Wal-Mart Stores for a **Rezoning from General Agriculture District to General Commercial District** on a portion of the W1/2 of the NW1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the W 1/16th corner of Sections 26 and 35, T1N, R7E, BHM, thence $S00^{\circ}08'07''W$, a distance of 868.68 feet to the point of beginning; Thence, first course: $S03^{\circ}29'32''W$, a distance of 461.19 feet; Thence, second course: $S00^{\circ}00'00''W$, a distance of 567.54 feet; Thence, third course: $N83^{\circ}15'19''W$, a distance of 597.38 feet; Thence, fourth course: $S06^{\circ}44'41''W$, a distance of 82.18 feet; Thence, fifth course: southwesterly, curving to the right on a curve with a radius of 182.00 feet, a delta angle of $53^{\circ}16'41''$, a length of 169.24 feet, a chord bearing of $S33^{\circ}23'02''W$, and chord distance of 163.21 feet; Thence, sixth course: $S60^{\circ}01'22''W$, a distance of 91.24 feet; Thence, seventh course: $N26^{\circ}25'04''W$, a distance of 5.31 feet; Thence, eighth course: northwesterly, curving to

the left on a curve with a radius of 581.20 feet, a delta angle of 56°52'25", a length of 576.91 feet, a chord bearing of N56°38'32"W, and chord distance of 553.52 feet, to a point on the easterly edge of South Dakota South Highway 16 right-of-way; Thence, ninth course: N06°38'59"E, along the easterly edge of said right-of-way, a distance of 455.72 feet, to a point on the N 1/16th line of Section 35; Thence, tenth course: N06°40'09"E, along the easterly edge of said right-of-way, a distance of 598.55 feet; Thence, eleventh course: S83°15'19"E, a distance of 1150.19 feet, to the point of beginning. Said parcel contains 1,299,751.10 square feet or 29.8380 acres more or less, located near the intersection of S.D. South Highway 16 and Moon Meadows Road on the east side of S.D. South Highway 16 was introduced. Motion was made by Chapman, seconded by Hadley and carried to acknowledge the applicant's request to withdraw the application.

Ordinance No. 5050 (No. 05RZ022), a request by Cedar Hill Corporation for a **Rezoning from Mobile Home Residential District to Low Density Residential - II District** on two tracts of land located in the SW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Tract 1: Beginning at a point from which the N 1/16 corner of Section 24 bears N89°45'54"W a distance of 33.00 feet; Thence S89°45'54"E a distance of 204.00 feet; Thence S00°28'01"W a distance of 529.94 feet; Thence S89°31'59"E a distance of 169.42 feet; Thence S77°13'54"E a distance of 144.99 feet; Thence S00°26'09"W a distance of 111.69 feet; Thence S45°19'07"W a distance of 14.17 feet; thence on a curve turning to the right with an arc length of 99.69 feet, a radius of 224.00 feet, a chord bearing of N75°45'01"W and a chord length of 98.87 feet; thence on a curve turning to the left with an arc length of 127.81 feet, a radius of 276.00 feet, a chord bearing of N76°16'00"W and a chord length of 126.67 feet; thence N89°31'59"W a distance of 275.83 feet; thence N44°31'59"W a distance of 14.14 feet; thence N00°28'01"E a distance of 619.11 feet to the point of beginning. Said tract contains 3.75 acres more or less. Tract 2: Beginning at the ¼ corner common to Sections 23 and 24; thence S89°48'44"E a distance of 33.00 feet; thence S89°48'44"E a distance of 175.00 feet; thence N00°28'01"E a distance of 539.76 feet; thence S89°31'59"E a distance of 99.50 feet; thence S82°34'08"E a distance of 68.31 feet; thence S63°24'40"E a distance of 92.01 feet; thence S83°10'51"E a distance of 89.53 feet; thence on a curve turning to the left with an arc length of 25.10 feet, a radius of 236.29', a chord bearing of N03°28'47"E and a chord length of 25.09'; thence N00°26'09"E a distance of 77.98 feet; thence N44°38'43"W a distance of 14.12 feet; thence on a curve turning to the right with an arc length of 123.80', a radius of 276.00 feet, a chord bearing of N75°51'02"W and a chord length of 122.76 feet; thence on a curve turning to the left with an arc length of 103.73', a radius of 224.00 feet, a chord bearing of N76°16'00"W and a chord length of 102.81 feet; thence N89°31'59"W a distance of 275.83 feet; thence S45°28'01"W a distance of 14.14 feet; thence S00°28'01"W a distance of 191.11 feet; thence S44°31'59"E a distance of 14.14 feet; thence S00°28'01"W a distance of 52.00 feet; thence S45°28'01"W a distance of 14.14 feet; thence S00°28'01"W a distance of 85.00 feet; thence N89°31'59"W a distance of 52.00 feet; thence S00°28'01"W a distance of 85.00 feet; thence S45°28'01"W a distance of 14.14 feet; thence S00°28'01"W a distance of 49.00 feet; thence S44°31'59"E a distance of 14.14 feet; thence S00°28'01"W a distance of 135.67 feet; thence S89°45'08"E a distance of 19.00 feet to the point of beginning; said tract contains 3.80 acres, more or less, located generally lying south of Nicole Street, west of Brooke Street, and west of Northridge Drive was introduced. Upon a motion made by Chapman, seconded by Olson, Ordinance 5050 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, April 4, 2005 at 7:00 P.M. Motion carried with Alderman Kroeger abstaining from the vote.

Ordinance No. 5051 (No. 05RZ023), 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 was introduced. Upon a motion made by Chapman, seconded by Waugh and carried, Ordinance 5051 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, April 4, 2005 at 7:00 P.M.

Ordinance No. 5052 (No. 05RZ024), 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 was introduced. Upon a motion made by Chapman, seconded by Murphy and carried, Ordinance 5052 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, April 4, 2005 at 7:00 P.M.

Ordinance No. 5053 (No. 05RZ025), 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 was introduced. Upon a motion made by Chapman, seconded by Murphy and carried, Ordinance 5053 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, April 4, 2005 at 7:00 P.M.

Ordinance No. 5054 (No. 05RZ026), 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 was introduced. Upon a motion made by Chapman, seconded by Murphy and carried, Ordinance 5054 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, April 4, 2005 at 7:00 P.M.

Ordinance No. 5055 (No. 05RZ027), 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 was introduced. Upon a motion made by Chapman, seconded by Waugh and carried, Ordinance 5055 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, April 4, 2005 at 7:00 P.M.

Ordinance No. 5056 (No. 05RZ028), a request by City of Rapid City for a **Rezoning from No Use District to General Commercial District** on the easternmost 1824.64 feet of the SW1/4 of Section 27 lying south of Lot H7 of the SW1/4, all located in Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the easternmost 1824.64 feet of the N1/2NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Interstate 90 and east of Elk Vale Road was introduced. Upon a motion made by Chapman, seconded by Murphy and carried, Ordinance 5056 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, April 4, 2005 at 7:00 P.M.

The Mayor announced the meeting was open for hearing on No. 05RZ003, second reading of **Ordinance No. 5027**, a request by Fisk Land Surveying and Consulting Engineers for Donald Potts for a **Rezoning from General Agriculture District to Park Forest District** on the SW1/4 SW1/4 SE1/4 & SE1/4 SW1/4 SE1/4, less Lot H-1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Haugo Drive and Catron Boulevard. Notice of hearing was published in the Rapid City Journal on February 26, 2005 and March 5, 2005. Ordinance 5027 having had the first reading on March 7, 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 Mayor declared the motion passed and read the title of Ordinance 5027 the second time.

The Mayor announced the meeting was open for hearing on No. 05RZ017, second reading of **Ordinance No. 5044**, a request by Ted Schultz, CETEC Engineering Services, Inc. for Generations Care, LLC for a **Rezoning from General Agriculture District to Office Commercial District** on property described by metes and bounds beginning at the southwesterly corner of Tract H of Wesleyan Christian Center, thence N76°34'25" E a distance of 263.55 feet; thence N17°48'36" W a distance of 117.79 feet; thence N37°51'47" W a distance of 46.34 feet; thence N72°03'18" E a distance of 159.45 feet, thence S57°08'25" W a distance of 52.00 feet; thence with a curve turning to the right with a radius of 149.99 feet, with an arc length of 39.01 feet, with a chord bearing of S25°22'55" E, with a chord length of 38.90 feet, thence S17°50'42" E a distance of 299.76 feet; thence S27°16'02" W a distance of 14.10 feet; thence S72°12'20" W a distance of 256.46 feet; thence N17°47'39" W a distance of 0.00 feet; thence with a curve turning to the right with a radius of 169.61 feet, with an arc length of 110.82 feet, with a chord bearing of N89°04'34" W, with a chord length of 108.86 feet, thence N70°21'28" W a distance of 53.50 feet; thence with a curve turning to the left with a radius of 333.35 feet, with an arc length of 162.43 feet, with a chord bearing of N00°31'09" E, with a chord length of 160.83 feet; which is the point of beginning, having an area of 94233.94 square feet, 2.163 acres all lying in the NW1/4 of SW1/4, Section 26 and the NE1/4 of SE1/4 of Section 27, T2N, R7E, B.H.M. Rapid City, Pennington County, South Dakota, located northwest of Harmony Heights Lane and Sunny Springs Drive. Notice of hearing was published in the Rapid City Journal on March 12, 2005 and March 19, 2005. Ordinance 5044 having had the first reading on March 7, 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 Mayor declared the motion passed and read the title of Ordinance 5044 the second time.

The Mayor announced the meeting was open for hearing on No. 05RZ018, second reading of **Ordinance No. 5045**, a request by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on Lot X of Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Homestead Street between Degeest Street and Aurora Drive. Notice of hearing was published in the Rapid City Journal on March 12, 2005 and March 19, 2005. Ordinance 5045 having had the first reading on March 7, 2005, it was moved by Chapman, second by Murphy that the title be read the second time. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut, and Waugh; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 5045 the second time.

LEGAL & FINANCE COMMITTEE ITEMS

The Mayor presented No. LF030205-01, a request for a waiver of a drainage easement to build a carport at 4003 Mary Drive, Craig Heiberger. Alderman Chapman explained the applicant is seeking a waiver for the purpose of pouring a concrete pad. French moved, second by Waugh and carried to approve a waiver of a drainage easement to pour a concrete pad at 4003 Mary Drive.

The Mayor presented No. LF111004-04, the Event Permit for motorcycle parking during the 2005 Rally. French moved, second by Murphy to deny the Event Permit for motorcycle parking during the 2005 Rally. Alderman Hurlbut commented about the need for more dialogue and proposed adding 7th Street to the closure. Substitute motion was made by Hurlbut, second Waugh to continue the Event Permit for motorcycle parking during the 2005 Rally to the April 18, 2005 Council meeting.. Alderman Waugh indicated he understood the concerns of the businesses, but believed this an important event that economically benefits Rapid City. Alderman French believed the proposal before the Council adversely effects local businesses financially. Alderman Murphy suggested the business community needed to bring their proposal to the Council. Mr. Andrews addressed the Council suggesting the downtown business have discussions with the Council to develop a plan, and offered no support for the plan being presented to the Council. Mr. Andrews suggested there needs to be an event to bring people to the downtown area. Alderman Olson pointed out the downtown business and the community have not embraced the idea of street closures during the rally. Question was called by Alderman Olson, and Johnson voiced objection to the question being called and discussion continued. Upon a roll call vote on the substitute motion, the following voted AYE: Hadley, Chapman, Johnson, Hurlbut, and Waugh; NO: Murphy, French, Kroeger, Olson, and Kooiker. The Chair voted AYE to break a tie vote. Substitute motion carried.

PUBLIC WORKS COMMITTEE ITEMS

Motion was made by Hadley, second by Hurlbut to table discussion of the construction of East Franklin Street. Upon a roll call vote, motion carried with the following voting AYE: Hadley, Chapman, Murphy, Kroeger, Olson, Hurlbut and Waugh; NO: French, Johnson and Kooiker.

APPROVAL OF BILLS

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

Payroll Paid Ending 03-05-05, Paid 03-11-05	672,785.73
Payroll Paid Ending 03-05-05, Paid 03-11-05	2,474.40
Pioneer Bank, Taxes Paid 03-11-05	160,472.70
Pioneer Bank, Taxes Paid 03-11-05	159.65
First Administrators, claims paid 03-08-05	100,728.59
First Administrators, claims paid 03-15-05	65,030.90
Black Hills Power & Light, electricity	24,869.71
West river Electric Association, electricity	15,160.41
Computer Bill List	<u>3,129,909.05</u>
Subtotal	\$4,171,591.14

Payroll Paid Ending 03-05-05, Paid 03-11-05	2,762.40
Pioneer Bank, Taxes Paid 03-11-05	211.32
City of Rapid City, postage	4.33
City of Rapid City, February Health Insurance	643.00
Conoco Phillips, gasoline	159.48
Connie Ewing, Meals, Mileage, Pierre 2/22-23/05	94.40
Marlin Leasing, Copier lease	3.78
Ramkota Inn Pierre, Ewing lodging	81.00
SD Retirement System, February pension	276.40
SD School of Mines & Technology, January phone	52.90
Standard Life, March life	<u>7.92</u>
Subtotal	\$4,175,888.07

Frankenfeld Associates, professional services	<u>450.00</u>
Total	\$4,176,338.07

PUBLIC WORKS DIRECTOR'S ITEMS

Public Works Director Jablonski reported meetings will be held with the AdHoc Committee to talk about strategy for the Sewer & Water Master Plan. He explained his department has submitted a grant to the Environmental Protection Agency for funding a portion of the plans.

CITY ATTORNEY'S ITEMS

Hadley moved, second by Johnson and carried to go into Executive Session to discuss pending litigation and contractual matters.

The Council reconvened at 11:51 P.M. with all members present.

Johnson moved, second by Waugh and carried to approve signing of the stipulation of the Stoney Creek litigation.

Waugh moved, second by Hurlbut and carried to approve listing the property north of the Visitor Information Center with Doug Andrews; listing it at the price suggested in the proposal; and authorize the Mayor and Finance Officer to sign the Real Estate Agreement with Doug Andrews.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:52 P. M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)