

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

February 20, 2006

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, February 20, 2006 at 7:00 P.M.

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

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

APPROVE MINUTES

Chapman moved, second by Hadcock and carried to approve the minutes of February 6, 2006 and February 13, 2006 special Council.

ADOPTION OF THE AGENDA

The following items were added to the agenda:

- Consider agenda Item #125 as #3.A.
- Brief report on Governor's meeting
- 21.A. Authorize the Mayor and Finance Officer to sign a Reduction in Letter of Credit for the Farrar Real Estate Limited Partnership
- 31.A. Authorize the Mayor and Finance Officer to sign a waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Starlite Drive as they abut Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.
- Executive Session to discuss personnel and contractual matters and potential pending litigation.

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

AWARDS AND RECOGNITIONS

Mayor Shaw acknowledged the Citizen of the Month for February, 2006 as James Huff and commended James on his service to the Rapid City community.

Mayor Shaw presented the Veteran of the Month Award for February, 2006 to John G. Martine and recognized his efforts and dedication to the service of his country.

Mayor Shaw, Public Works Director Jablonski, and Water Reclamation Superintendent VanCleave presented Sam Liebig with the Employee Suggestion Award and recognized his significant improvement to the operations at the Water Reclamation Facility.

Mayor Shaw presented a Certificate of Recognition to Bob Archibald and Terry Krause of the Rapid City Fire Department and acknowledged their twenty-five years of service to the City.

On behalf of Rapid City, Mayor Shaw accepted the presentation of the 5 Star Statement of Support for National Guard by the ESGR (Employer Support of the Guard & Reserve).

At this time, 7:33 P.M., the Chair recessed the meeting and reconvened at 7:38 P.M.

GENERAL PUBLIC COMMENT

Steve Brenden, 3310 Harmony Lane suggested a \$1,500 impact fee on new residential construction be imposed; and suggested the impact fee be appropriated to water, sewer and drainage. He also suggested the \$0.16 added sales tax be appropriated at sixty percent for new infrastructure and the remaining forty percent be appropriated for old infrastructure. He reasoned that the old infrastructure has been neglected and that new infrastructure has to connect to the old infrastructure.

PUBLIC HEARINGS

The Mayor announced that the meeting was open for consideration of the (No. PW121305-14) Resolution of Necessity for Clark Street Sanitary Sewer Extension Project SS05-1480. Public Works Director Jablonski explained that seven properties will benefit from the proposed sanitary sewer project. He indicated this project was undertaken when a private sewer service line experienced failure. He explained that the total estimated cost for the project is \$180,000, with \$57,876 being assessed on an equal benefit basis. Jablonski noted that although the Island property is served by another sanitary sewer main, the property fronts on the proposed sewer; and as such, is included in the assessed project as the property could benefit in the future. Alderman Chapman indicated the homeowners are interested in excluding the Island property from the assessment because the property receives no benefit from the project today. Chapman moved, second by Hadcock and carried to continue the public hearing to the March 6, 2006 Council meeting.

Olson moved, second by Okrepkie and carried to approve the (No. PW013106-34) purchase of a Utility Vehicle for the Cemetery, using the Cemetery Endowment Fund.

The Mayor presented No. 05TI016, a request by Centerline to consider an application for a **Tax Increment District No. 57 - Project Plan** on the W1/2 SW1/4, less Plum Creek Subdivision and including Elk Vale Road right-of-way, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of South Valley Drive. Olson moved, second by Okrepkie and carried to deny.

The Mayor presented No. 05PD085, **an Appeal of the Planning Commission's decision** on a request by Sperlich Consulting, Inc. for Del Vandenhoeck (Lifestyle Homes) for a **Planned Residential Development - Initial and Final Development Plan** on Lot 1 of Block 5, Kateland Subdivision all located in the SE1/4 of the SW1/4, Section 13, T2N, R7E, BHM, Rapid City,

Pennington County, South Dakota, located at the northwest corner of the intersection of Country Road and Erleen Street. Olson moved, second by Johnson to deny without prejudice. Chris Wehrle, 712 Lion Drive indicated his concern with the density of the development, on-street parking along Country Road, privacy and security on his backyard. Wehrle explained that with twenty-four units and no guest parking, there will be on-street parking. Doug Sperlich, Sperlich Consulting, Inc. representing the petitioner explained that they propose to build twenty-four condominium units that will have detached garages and one parking stall outside the garage that is assigned to the condo. Because of the garages being provided with each unit, Sperlich indicated they have difficulty meeting the requirements and have sought variances. He suggested that if the garages were to be eliminated, the development would meet the landscape requirements; would not be too dense; and there would be adequate parking stalls. He indicated that he is aware there are portions of Country Road that are designated as no on-street parking; but the streets on each side of this development do not exclude on-street parking. He pointed out that they are not doing anything to the public infrastructure that is less than what is required. All proposed improvements and variances being requested are on-site. Responding to a question from Alderman Schumacher, Growth Management Director Elkins outlined the variances requested noting the configuration of the parking and the adequacy of the parking are of the greatest concern. Upon a roll call vote to deny, the following voted AYE: Schumacher, Hadley, Olson, Hadcock, Chapman, and Kooiker; NO: Okrepkie, Johnson, and Hurlbut; ABSTAINING: Kroeger. Motion carried.

At the applicant's request, Olson moved, second by Hadcock and carried to continue to the March 6, 2006 Council meeting, authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Cavern Road as they abut Tract 4 Revised of Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, located at 2600 Cavern Road. (05SV080)

The Mayor presented No. 05SV080, a request by Dennis Johnson for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk and pavement along Cavern Road and the access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Tract 4 Revised of Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Tract 4 Revised of Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, located at 2600 Cavern Road. Olson moved, second by Hadcock and carried to continue to the March 6, 2006 Council meeting at the applicant's request.

The Mayor presented No. 05SV087, a request by Rob Livingston for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 - 31 and Common Lots 1 - 3 of Block 1; and Lots 1 - 12 and Common Lot 1 of Block 2, Blakes Estates, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Tract A of Government Lots 1 and 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, located at 6620 West Highway 44. Olson moved, second by Hadcock and carried to acknowledge the applicant's request to withdraw.

Olson moved, second by Johnson 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 width along Bonnie Lane as per Chapter 16.16 of the Rapid City Municipal Code as they abut Lot 7 of Lot 4 of Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at 4978 Bonnie Lane. (05SV090)

The Mayor presented No. 05SV090, a request by Davis Engineering, Inc. for John Slagle for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement width along Bonnie Lane as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Lot 7 of Lot 4, Plateau Subdivision; formerly Lot 7 of Lot 4 of Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 7 of Lot 4 of Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at 4978 Bonnie Lane. Olson moved, second by Kroeger and carried to approve the Variance with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

The Mayor presented No. 06CA003, a request by FMG, Inc. for Belgarde Enterprises for an **Amendment to the Comprehensive Plan by revising the US Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Neighborhood Commercial with a Planned Commercial Development to a Medium Density Residential with a Planned Residential Development** on that part 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 5/8" rebar with survey cap marked "FMG Inc. LS SD 1019" at the Center-South-South 1/64 corner of Section 22; Thence N00°08'29"W, along the Section 1/4 Line, a distance of 505.50', more or less, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119", on the south right of way line of Catron Boulevard; Thence Northwesterly, along the south right of way line of Catron Boulevard, on a curve to the left, said curve having a radius of 2230.97' a length of 263.77', a chord bearing of N60°12'09"W and a chord length of 263.62', more or less, to a point, said point being a 5/8" rebar; Thence N63°35'34"W, along the south right of way line of Catron Boulevard, a distance of 665.49', more or less, to the point of beginning; Thence S26°23'14"W a distance of 270.0', more or less, to a point; Thence N63°35'34"W a distance of 400.0', more or less, to a point; Thence N26°23'14"E a distance of 270.0', more or less, to a point; Thence S63°35'34"E, along the south right of way line of Catron Boulevard, a distance of 400.0' to the point of beginning; all located within the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian; said parcel containing 2.5 acres more or less., located at the southeast corner of the intersection of Catron Boulevard and Nugget Gulch Drive. The following Resolution was introduced, read and Olson moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Planning Commission has reviewed the proposed amendment to the Comprehensive Plan and made a recommendation to the Rapid City Council; and

WHEREAS the Rapid City Council held a public hearing on the 20th day of February, 2006, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would revise the US Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Neighborhood Commercial with a Planned Commercial Development to a Medium Density Residential with a Planned Residential Development, on the SW1/4 of Section 22, T1N, R7E, of the BHM, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a 5/8" rebar with survey cap marked "FMG Inc. LS SD 1019" at the Center-South-South 1/64 corner of Section 22; Thence N00°08'29"W, along the Section 1/4 Line, a distance of 505.50', more or less, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119", on the south right of way line of Catron Boulevard; Thence Northwesterly, along the south right of way line of Catron Boulevard, on a curve to the left, said curve having a radius of 2230.97' a length of 263.77', a chord bearing of N60°12'09"W and a chord length of 263.62', more or less, to a point, said point being a 5/8" rebar; Thence N63°35'34"W, along the south right of way line of Catron Boulevard, a distance of 665.49', more or less, to the point of beginning; Thence S26°23'14"W a distance of 270.0', more or less, to a point; Thence N63°35'34"W a distance of 400.0', more or less, to a point; Thence N26°23'14"E a distance of 270.0', more or less, to a point; Thence S63°35'34"E, along the south right of way line of Catron Boulevard, a distance of 400.0' to the point of beginning; all located within the SW1/4 of Section 22, T1N, R7E, BHM; said parcel containing 2.5 acres more or less;

WHEREAS, it appears that good cause exists to amend the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED by the Rapid City Common Council that the Comprehensive Plan of the City of Rapid City be amended to change the Future Land Use designation from Neighborhood Commercial with a Planned Commercial Development to a Medium Density Residential with a Planned Residential Development on the SW1/4 of Section 22, T1N, R7E, of the BHM, Rapid City, Pennington County, South Dakota, that lies within the following description: commencing at a 5/8" rebar with survey cap marked "FMG Inc. LS SD 1019" at the Center-South-South 1/64 corner of Section 22; Thence N00°08'29"W, along the Section 1/4 Line, a distance of 505.50', more or less, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119", on the south right of way line of Catron Boulevard; Thence Northwesterly, along the south right of way line of Catron Boulevard, on a curve to the left, said curve having a radius of 2230.97' a length of 263.77', a chord bearing of N60°12'09"W and a chord length of 263.62', more or less, to a point, said point being a 5/8" rebar; Thence N63°35'34"W, along the south right of way line of Catron Boulevard, a distance of 665.49', more or less, to the point of beginning; Thence S26°23'14"W a distance of 270.0', more or less, to a point; Thence N63°35'34"W a distance of 400.0', more or less, to a point; Thence N26°23'14"E a distance of 270.0', more or less, to a point; Thence S63°35'34"E, along the south right of way line of Catron Boulevard, a distance of 400.0' to the point of beginning; all located within the SW1/4 of Section 22, T1N, R7E, of the BHM; said parcel containing 2.5 acres more or less as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 20th day of February, 2006.

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

s/ Jim Shaw, Mayor

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

Olson moved, second by Hadley and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of sewer along a portion of Catron Boulevard as it abuts that part 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 5/8" rebar with survey cap marked "FMG Inc. LS SD 1019" at the Center-South-South 1/64 corner of Section 22; Thence S00°12'38"E a distance of 152.63', more or less, to a point; Thence N90°00'00"W a distance of 726.50', more or less, to a point; Thence N64°41'13"W a distance of 267.41', more or less, to a point; Thence Northwesterly, on a curve to the left, said curve having a radius of 226.00', a length of 64.26', a chord bearing of N44°48'37"W and a chord length of 64.04', more or less, to a point; Thence N52°57'20"W a distance of 189.40', more or less, to a point; Thence Northwesterly, on a curve to the right, said curve having a radius of 174.00', a length of 160.82', a chord bearing of N26°28'40"W and a chord length of 155.16', more or less, to a point; Thence N00°00'00"W a distance of 154.75', more or less, to a point; Thence N90°00'00"W a distance of 142.80', more or less, to a point; Thence N45°02'54"W a distance of 14.15', more or less, to a point; Thence N00°05'48"W a distance of 197.85', more or less, to a point; Thence Northeasterly on a curve to the right, said curve having a radius of 341.00', a length of 157.62', a chord bearing of N13°08'43"E and a chord length of 156.22', more or less, to a point; Thence N26°23'14"E a distance of 374.54', more or less, to a point; Thence S63°35'34"E a distance of 18.09', more or less, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" on the south right of way line of Catron Boulevard; Thence S63°35'34"E, along the south right of way line of Catron Boulevard, a distance of 1047.40', more or less, to a point, said point being a 5/8" rebar; Thence Southeasterly, along the south right of way line of Catron Boulevard, on a curve to the right, said curve having a radius of 2230.97' a length of 263.77', a chord bearing of S60°12'09"E and a chord length of 263.62', more or less, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119"; Thence S00°08'29"E, along the Section 1/4 Line, a distance of 505.50', more or less, to the point of beginning; all located within the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian; said parcel containing 27.497 acres more or less., located at the southeast corner of the intersection of Catron Boulevard and Nugget Gulch Drive. (06SV002)

The Mayor presented No. 06SV002, a request by FMG, Inc. for Belgarde Enterprises for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, Sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on that part 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 5/8" rebar with survey cap marked "FMG Inc. LS SD 1019" at the Center-South-South 1/64 corner of Section 22; Thence S00°12'38"E a distance of 152.63', more or less, to a point; Thence N90°00'00"W a distance of 726.50', more or less, to a point; Thence

N64°41'13"W a distance of 267.41', more or less, to a point; Thence Northwesterly, on a curve to the left, said curve having a radius of 226.00', a length of 64.26', a chord bearing of N44°48'37"W and a chord length of 64.04', more or less, to a point; Thence N52°57'20"W a distance of 189.40', more or less, to a point; Thence Northwesterly, on a curve to the right, said curve having a radius of 174.00', a length of 160.82', a chord bearing of N26°28'40"W and a chord length of 155.16', more or less, to a point; Thence N00°00'00"W a distance of 154.75', more or less, to a point; Thence N90°00'00"W a distance of 142.80', more or less, to a point; Thence N45°02'54"W a distance of 14.15', more or less, to a point; Thence N00°05'48"W a distance of 197.85', more or less, to a point; Thence Northeasterly on a curve to the right, said curve having a radius of 341.00', a length of 157.62', a chord bearing of N13°08'43"E and a chord length of 156.22', more or less, to a point; Thence N26°23'14"E a distance of 374.54', more or less, to a point; Thence S63°35'34"E a distance of 18.09', more or less, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" on the south right of way line of Catron Boulevard; Thence S63°35'34"E, along the south right of way line of Catron Boulevard, a distance of 1047.40', more or less, to a point, said point being a 5/8" rebar; Thence Southeasterly, along the south right of way line of Catron Boulevard, on a curve to the right, said curve having a radius of 2230.97' a length of 263.77', a chord bearing of S60°12'09"E and a chord length of 263.62', more or less, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119"; Thence S00°08'29"E, along the Section 1/4 Line, a distance of 505.50', more or less, to the point of beginning; all located within the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian; said parcel containing 27.497 acres more or less., located at the southeast corner of the intersection of Catron Boulevard and Nugget Gulch Drive. Olson moved, second by Hadley that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the sub-collector street be denied; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along Catron Boulevard be denied; and, that the Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Catron Boulevard be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement. Al Foster, FMG, Inc. representing the petitioner requested a variance for the construction of curb, gutter, and sidewalk along Catron Blvd. Foster noted Catron Blvd. was built as a rural road section; and the area along Catron Blvd. on the north side was developed and a waiver was granted for the curb and gutter. He indicated his concern is storm water handling on this roadway. He indicated there will need to be some inlets and storm sewer associated with the curb and gutter construction. He asked about cost sharing for the storm sewer construction, and pointed out there was cost sharing for that section of Catron Blvd. from Nugget Gulch to Sheridan Lake Road when the road was widened. Growth Management Director Elkins explained the first 300 feet of roadway was required to have the curb and gutter installed along that portion, but from that portion east was waived. She indicated the primary concern is the issue of sidewalk. Elkins explained this is a large apartment complex with schools in the vicinity and there is a need to see that children have save access to the schools. Foster explained that with the apartment complex there will be an internal walkway constructed, and sidewalk along Nugget Gulch that is on the west side of the complex. Alderman Olson indicated that it is important to maintain sidewalks for pedestrian safety. In lieu of building the infrastructure, Foster asked that they we allow to sign a waiver of right to protest future construction. Elkins indicated the request is legal, but that the question is about the efficiency as grading is being done with the development of the property.

Substitute motion was made by Kroeger, second by Okrepkie that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the sub-collector street be denied; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along Catron Boulevard be approve with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement; and, that the Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Catron Boulevard be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement. Upon a roll call vote, the following voted AYE: Okrepkie, Kroeger, and Hurlbut; NO: Hadley, Olson, Johnson, Hadcock, Chapman, Kooiker, and Schumacher. Substitute motion failed.

Upon a vote being taken on the original motion, motion carried.

LEGAL & FINANCE COMMITTEE ITEMS

Alderman Chapman suggested February 27 or March 27 as possible meeting dates to discuss the Economic Development and Civic Improvements Fund (2012 5-year plan) process and 2012 logo. Olson moved, second by Johnson to convene a special Council meeting on March 27, 2006. Aldermen Kooiker and Okrepkie noted that they are not available on March 27. Substitute motion was made by Kooiker, second by Johnson to request the Mayor's Office to coordinate a meeting time, and bring the date forward at the Legal & Finance Committee meeting. Motion carried.

City Attorney Green explained an agreement is prepared and signed by Scott Sogge to complete the repairs by April 1, 2006 on the outside of the structure and May 1, 2006 for the inside of the structure at 1029 East St. Francis. Chapman moved, second by Johnson and carried to approve the agreement.

Chapman moved, second by Okrepkie to authorize the Mayor and Finance Officer to sign funding agreement with AR Group. City Attorney Green indicated this item deals with improvements that are related to Tax Increment District No. 39, located off East North Street. Motion carried.

PUBLIC WORKS COMMITTEE ITEMS

Finance Officer Preston noted the times scheduled for the City Council to set as the (No. CC022006-03) 2006 Local Board of Equalization; and indicated the number of appeals is not known at this time, as the deadline is March 16, 2006 for appeals to be filed.

Olson moved, second by Okrepkie and carried to (No. PW021406-15) authorize the Mayor and Finance Officer to sign an Agreement with Eagle, Inc. for the disposition of co-compost.

Olson moved, second by Hadcock to continue No. PW013106-30, Canyon Lake Park road cost estimate and funding source to the February 28, 2006 Public Works Committee meeting. Parks & Recreation Director Cole outlined the options being proposed that would limit access and safely guard the public's access to Canyon Lake Park. The options included barriers around all ponds seen as a hazard to the driving public; installing signs along the roadway; installing speed

bumps; reversing traffic from Park Drive to Canyon Lake Drive; filling in the ponds; re-aligning the road; removing the roadway between Park Shelters 2 & 3 and planting grass in this area; installing pavement markings to delineate two-way traffic; construction of a turn-around in the vicinity of Shelter 2; access from only Park Drive for Shelter 3; and the entrances could be gated for closure in the evenings and during bad weather. Cole suggested that two-way traffic causes traffic to slow. Alderman Johnson believed it appropriate to have a public hearing on the options under consideration. Alderman Olson indicated there is no proposal to close the park, but only limited access for vehicle traffic. Alderman Kooiker reminded the members that March 1st the closure of the park expires. Cole pointed out that the park shelters will open April 1st and there are reservations for the use of these shelters. He suggested the barricades could be relocated to Shelter 2, and there will be two-way traffic on this section of the roadway through the park. Alderman Kooiker suggested Council declare an emergency and direct staff to extend and install a guard rail; which will give the Council more opportunity to discuss more permanent options. Responding to a question from Alderman Hurlbut, Cole explained that eliminating the pond is not an easier fix because the ponds were installed for water flow from Canyon Lake. Alderman Hurlbut asked that this option be examined and a cost estimate to remove the pond be presented to the Council. City Attorney Green advised the Council to extend the closure of Canyon Lake Park until an option is chosen. Friendly amendment was offered by Kooiker to request staff to bring forward cost estimates for extending the guard rail and filling the pond. Upon a vote being taken on the motion as amended, motion carried.

Chapman moved, second by Olson to extend the closure of Canyon Lake Park to March 6. Substitute motion was made by Johnson, second by Olson to extend the closure of Canyon Lake Park to March 20, 2006. Substitute motion carried.

Okrepkie moved, second by Chapman to authorize the Mayor and Finance Officer to sign a reduction in Letter of Credit for the Farrar Real Estate Limited Partnership. Motion carried.

ORDINANCES & RESOLUTIONS

Ordinance No. 4083 (No. LF102704-12A2), Regulating On-Site Wastewater Disposal and Treatment by Adding Chapter 13.09 to the Rapid City Municipal Code having passed first reading on November 15, 2004; it was moved by Chapman, second by Olson that the title be read the second time. The following voted AYE: Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 4083 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on No. 06RZ001, second reading of **Ordinance No. 5136**, a request by FMG, Inc. for Belgarde Enterprises for a **Rezoning from General Agriculture District to Medium Density Residential District** on that part 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 5/8" rebar with survey cap marked "FMG Inc. LS SD 1019" at the Center-South-South 1/64 corner of Section 22; Thence N00°08'29"W, along the Section 1/4 Line, a distance of 505.50', more or less, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119", on the south right of way line of Catron Boulevard; Thence Northwesterly, along the south right of way line of Catron Boulevard, on a curve to the left, said curve having a radius of 2230.97' a length of 263.77', a chord bearing of N60°12'09"W and a chord length of 263.62', more or less, to a point,

said point being a 5/8" rebar; Thence N63°35'34"W, along the south right of way line of Catron Boulevard, a distance of 317.69', more or less, to the point of beginning; Thence S26°24'26"W a distance of 82.06', more or less, to a point; Thence N90°00'00"W a distance of 550.47', more or less, to a point; Thence S00°00'00"E a distance of 173.49', more or less, to a point; Thence Southwesterly on a curve to the left, said curve having a radius of 208.00', a length of 36.47', a chord bearing of S55°01'23"W and a chord length of 36.42', more or less, to a point; Thence S50°00'00"W a distance of 64.59', more or less, to a point; Thence Southwesterly on a curve to the right, said curve having a radius of 92.00', a length of 57.40', a chord bearing of S67°52'30"W and a chord length of 56.48', more or less, to a point; Thence S00°00'00"W a distance of 32.25', more or less, to a point; Thence S90°00'00"W a distance of 142.80', more or less, to a point; Thence N45°02'54"W a distance of 14.15', more or less, to a point; Thence N00°05'48"W a distance of 197.85', more or less, to a point; Thence Northeasterly on a curve to the right, said curve having a radius of 341.00', a length of 157.62', a chord bearing of N13°08'43"E and a chord length of 156.22', more or less, to a point; Thence N26°23'14"E a distance of 374.54', more or less, to a point; Thence S63°35'34"E a distance of 18.09', more or less, to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" on the south right of way line of Catron Boulevard; Thence S63°35'34"E, along the south right of way line of Catron Boulevard, a distance of 729.71' to the point of beginning; all located within the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian; said parcel containing 6.270 acres more or less, located at the southeast corner of the intersection of Catron Boulevard and Nugget Gulch Drive. Notice of hearing was published in the Rapid City Journal on February 11, 2006 and February 18, 2006. Ordinance No. 5136 having had the first reading on February 6, 2006, it was moved by Chapman, second by Hadcock that the title be read the second time. The following voted AYE: Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5136 the second time.

Chapman moved, second by Hadcock and carried to continue to the March 6, 2006 Council meeting, (No. 05RZ047) **Ordinance No. 5083**, a request by Buescher Frankenberg Associates for Wal-Mart Stores, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on a tract of land located in Sections 34 and 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of the NW¼ of NW¼ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a ½ inch pipe, thence S00°02'58"E along the section 1/16 line, a distance of 868.95 feet to the Point of Beginning; Thence first course: S00°02'58"E along the section 1/16 line, a distance of 467.74 feet to the southeast corner of the NW¼ of NW¼ of Section 35, T1N, R7E, BHM, a 5/8" rebar w/cap "4225"; Thence second course: S00°02'58"E along the section 1/16 line a distance of 1331.33 feet to a 5/8" rebar w/cap "4225", which is the southeast corner of the SW¼ of NW¼ of Section 35, T1N, R7E, BHM; Thence third course: N89°24'46"W along the east-west Section ¼ line of same Section 35, a distance of 1326.32 feet to a 5/8" rebar w/cap "4225" which is the west Section ¼ corner of Section 35, T1N, R7E, BHM; Thence fourth course: S89°42'51"W, a distance of 104.64 feet along the east-west Section ¼ line of Section 34, T1N, R7E, BHM to a 5/8" rebar w/cap "4225" located on the east right of way line of South Dakota Highway 16 and the beginning of a nontangent curve, concave to the northwest, having a radius of 2492.00 feet, a delta angle of 15°55'17", a chord bearing of N15°16'33"E, and a chord length of 690.25 feet; Thence fifth course: Northeasterly along said curve and the east right of way of South Dakota Highway 16, through an angle of 15°55'17", and an arc length of 692.47 feet to a 5/8" rebar w/cap "4225" which is the beginning of a nontangent line; Thence sixth course: N82°41'04"W along the east right of way of South Dakota Highway 16, a distance

of 50.00 feet to a 5/8" rebar w/cap "4225"; Thence seventh course: N07°18'56"E along the east right of way line of South Dakota Highway 16, a distance of 658.85 feet to a 5/8" rebar w/cap "4225"; Thence eighth course: N07°18'56"E, along the east right of way line of South Dakota Highway 16, a distance of 598.55 feet; Thence ninth course: S83°18'29"E a distance of 1144.76 feet to the Point of Beginning, all located in the W½ of the NW¼ of Section 35, T1N, R7E, BHM, and in the SE¼ of the NE¼ of Section 34, T1N, R7E, BHM, Pennington County, South Dakota. Said parcel contains 53.717 acres, more or less, located east of U.S. Highway 16 and north of Sammis Trail.

Ordinance No. 5138 (No. 06RZ003), a request by City of Rapid City for a **Rezoning from General Agriculture District to Low Density Residential District** on Lots 1 thru 19, Block 1 and Lots 1 thru 10, Block 2 and adjacent Rights-of-Way, Stoneridge Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Parkview Drive along Gemstone Drive, Jewel Court and Enchanted Pines Drive was introduced. Upon a motion made by Chapman, second by Olson and carried, Ordinance No. 5138 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, March 6, 2006 at 7:00 P.M.

CONTINUED ITEMS CONSENT CALENDAR – Items 26-48

The following items were removed the Continued Consent Calendar:

30. No. 05PL247 - A request by CETEC Engineering for Bruce Kulpaca for a **Preliminary Plat** on Lots 8 - 12 of Block 1, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the north and south sides of Park Hill.
31. No. 05SV079 - 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, additional pavement and additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 28 and 29 of Forest Park Estates Subdivision, formerly Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4231 Starlite Drive.
 - 31.A. Authorize the Mayor and Finance Officer to sign a waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Starlite Drive as they abut Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.
32. No. 05SV088 - A request by CETEC Engineering for Bruce Kulpaca for a **Variance to the Subdivision Regulations to allow a Lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 8 - 12 of Block 1, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid

City, Pennington County, South Dakota, located adjacent to the north and south sides of Park Hill.

37. No. 06PL002 - A request by FMG, Inc. for Belgarde Enterprises for a **Preliminary Plat** on Lot 1 of Stoney Creek South No. 2 Subdivision located in the E1/2 of the SW1/4; and located in the S1/2 of the NW1/4 of the SW1/4; and located in the SW1/4 of the SW1/4; all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the E1/2 of the SW1/4; a portion of SW1/4 of the SW1/4; and a portion of the S1/2 of the NW1/4 of the SW1/4; all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of the intersection of Catron Boulevard and Nugget Gulch Drive.

Olson moved, second by Okrepkie and carried to continue the items as indicated.

Continue the following items until March 6, 2006:

26. No. 05CA018 - A request by City of Rapid City for an **Amendment to the Comprehensive Plan amending the Major Street Plan by eliminating and realigning several collector and arterial roads** on all located in Sections 23, 24, 25, 26, 34, 35 and 36 in T1N, R7E, BHM, Pennington County, South Dakota, and Sections 19, 29, 30, 31 and 32, T1N, R8E, BHM, Pennington County, South Dakota, and Sections 1, 2, 3, 11 and 12, T1S, R7E, BHM, Pennington County, South Dakota, and Sections 5, 6, 7, 8, 17 and 18, T1S, R8E, BHM, Pennington County, South Dakota, located south of Minnesota Street, north of Spring Creek Road, east of US Highway 16 and west of SD Highway 79.
27. No. 05CA054 - A request by City of Rapid City for an **Amendment to the Comprehensive Plan to adopt the Red Rock Canyon Drainage Basin Design Plan** on the Red Rock Canyon Drainage Basin, located in all or portions of Sections 7, 8, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31 and 32, T1N, R7E, and Sections 25 and 37, T1N, R6E, BHM, Pennington County, South Dakota, located between Rapid Creek and Spring Creek in and adjacent to the Western Corporate Limits of the City of Rapid City.
28. No. 05PL201 - A request by Russell Johnson for Sandra Kadis for a **Preliminary Plat** on Lots 5R and 7R, Strato Rim Estates Subdivision, located in Government Lots 3 and 4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lots 5 and 7, Strato Rim Estates Subdivision, located in Government Lots 3 and 4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota, located at the western terminus of Strato Rim Drive.
29. No. 05PL232 - A request by Dennis Johnson for a **Preliminary Plat** on Lots A and B of Tract 4 Revised of Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Tract 4 Revised of Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, located at 2600 Cavern Road.
33. No. 05TI019 A request by Centerline to consider an application for a **Tax Increment District No. 49 Project Plan** on Lot 1 – 28 and all adjacent rights-of-way, Block 11, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 – 14 and all adjacent rights-of-way, Tract A (formerly lots 15A thru 25A) and all adjacent rights-of-way, Lot 15-28 less lot 15A -25A and all adjacent rights-of-

way, all located in Block 12, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Unplatted balance of SW1/4SE1/4 and the unplatted balance of SE1/4SE1/4 and all adjacent rights-of-way, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 3 and Lot 4 and all adjacent rights-of-way, Tract A & S1/2 vacated part of alley adjacent to Tract A and all adjacent rights-of-way, Lot A of Lot 1, Lot 2 and the S1/2 vacated Watertown St adjacent to said lot, Lot B of Lot 1, all located in Block 2, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract I and the N1/2 vacated portion of alley adjacent to Tract I and the S1/2 vacated Watertown St adjacent to Tract I and all adjacent rights-of-way, Block 2, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Block 3 and W375' of N1/2 vacated Watertown Street adjacent to Block 3 less W150' & less Lot 1-2 and the S1/2 vacated Madison Street adjacent to E475' Block 3 and the vacated alley in Block 3 less portion between Lots 1 & 2 and all adjacent rights-of-way, all located in Block 3, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1-2 and the S1/2 vacated Madison St adjacent to Lot 1 and the N1/2 vacated Watertown Street adjacent to Lot 2 and the vacated alley between Lots 1-2, Block 3 and all adjacent rights-of-way, all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of Block 1 and all adjacent rights-of-way, Feigels Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 -2 and the balance of Block 4 and all adjacent rights-of-way, all located in Block 4, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, SE1/4NE1/4 including Meadowlark Hills Sub & all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A & E1/2 vacated Cherry Ave of NE1/4NE1/4 and all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract B, C, D, F, G, and H and all adjacent rights-of-way, all of Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract E & E15' of vacated Cherry St adjacent to said Tract E, Block 1 and all adjacent rights-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, E100' of Tract A, Block 1 and adjacent right-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A less the E100' and the E15' of vacated Cherry St adjacent to said Tract A and adjacent right-of-way, Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of the 90' wide East Anamosa Street right-of-way located in the NE1/4 of Section 31 and the SE1/4 of Section 30, and the East Anamosa Street right-of-way located in the NW1/4 of Section 31 and the SW1/4 of Section 30 all adjacent to LaCrosse Street, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Railroad Right-of-Way located in the NE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A and Lot B and all adjacent rights-of-way, West Century Sub, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N170' of S313.96' of Lot 2 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 and Lot 2 and all adjacent rights-of-way, Buckingham Rental Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot B of Lot 1 of SW1/4NW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A, B, C, and D of Lot 1 of NW1/4SW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract 1, Century "21" and all adjacent rights-of-

way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A in NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract D in NE1/4NW1/4 including Lot 1 of Tract D of Heubner Subdivision and all adjacent rights-of-way, all located in Heubner Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N16.04' of Lot 2 of SW1/4NW1/4 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 and Lot H3 of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3 and H4 of the SE1/4NW1/4, Lot H1 of Lot A of the SE1/4NW1/4, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of Lot B of Lot 1 in the NW1/4SW1/4, Lot H1 of Lot B of Lot 1 of the NW1/4SW1/4, Lot 2 of the NW1/4SW1/4, Lot H1 of Lots 7 & 8 of the NW1/4SW1/4, Lot H1 of Lots 3,4, 5 & 6 of the NW1/4SW1/4, Lot H1 and Lot H2 of the NW1/4SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Century Road, east of LaCrosse Street and south of US 1-90.

34. No. 05VR015 - A request by Peter Hendricksen for a **Vacation of Right-of-Way** on Sunnyside Avenue Right-of-Way lying adjacent to Lots 1 thru 14; the Poplar Avenue Right-of-Way lying adjacent to Lots 14, 15 and 20 foot alley Right-of-Way; and the 20 foot alley Right-of-Way lying adjacent to Lots 8 thru 14 and Lots 15 thru 21, all located in Block 11, Plainsview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of the intersection of Poplar Street and Sunnyside Avenue.
35. No. 06CA001 - A request by Designworks, Inc. for Founder's Park, LLC for a **Amendment to the Comprehensive Plan to revise the Major Street Plan to eliminate West Street as a collector street** on the unplatted portion of the W1/2 NW1/4 SE1/4 and Block 1 of North Riverside Addition; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1350 West Chicago.
36. No. 06PL001 - A request by Designworks, Inc. for Founder's Park, LLC for a **Layout Plat** on Lots 1, 2 and 3 of Founder's Park Subdivision, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NW1/4 SE1/4 and Block 1 of North Riverside Addition; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1350 West Chicago.
38. No. 06PL003 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 10 thru 21 of Block 2; Lots 2 thru 8 of Block 9; Lots 1 thru 4 of Block 13 of Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 of the NW1/4 of the NW1/4 of Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Dunsmore Road.

39. No. 06PL004 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 7 of Marlin Industrial Park, located in Lot A Lot A of the NE1/4 of the NW1/4 less Lot H1 and less the Right-of-Way and the unplatted portion of the NW1/4 of the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot A of the NE1/4 of the NW1/4 less Lot H1 and less the Right-of-Way and the unplatted portion of the NW1/4 of the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of the intersection of Elk Vale Road and Old Folsom Road.
40. No. 06SV001 - A request by Centerline for Founder's Park, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement, and to dedicate additional Right-of-Way along the access easements and to waive the requirement to install sidewalk along both sides of the internal streets as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2 and 3 of Founder's Park Subdivision, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NW1/4 SE1/4 and Block 1 of North Riverside Addition; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1350 West Chicago.
41. No. 06SV003 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to allow a lot twice as long as it is wide and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 7 of Marlin Industrial Park, located in Lot A Lot A of the NE1/4 of the NW1/4 less Lot H1 and less the Right-of-Way and the unplatted portion of the NW1/4 of the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot A of the NE1/4 of the NW1/4 less Lot H1 and less the Right-of-Way and the unplatted portion of the NW1/4 of the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of the intersection of Elk Vale Road and Old Folsom Road.
42. No. 06VR001 - A request by Centerline for Founder's Park, LLC for a **Vacation of Right-of-Way** on the West Street Right-of-Way adjacent to Philadelphia Street and West Chicago Street, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1350 West Chicago.

Continue the following items until March 20, 2006:

43. 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.
44. No. 05PL157 - A request by Britton Engineering & Land Surveying for Prairiefire Investments, LLC for a **Preliminary Plat** on Lots 1 and 2, Block 4, Prairiefire Subdivision, located in NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 NE1/4, less the Eisenbraun

Subdivision, Winton Subdivision and less the E54.4' for Anderson Road Right-of-Way, all located in the NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the western terminus of Mondo Street.

45. No. 05PL159 - A request by Britton Engineering for Prairiefire Investments, LLC for a **Preliminary Plat** on Lots 11-14, Block 1; Lots 4-11, Block 2; Lots 5-8, Block 3; Lots 3-8, Block 4; Prairiefire Subdivision, located in the NE1/4, Section 26, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of NE1/4 NE1/4 less a portion of Lot 8 and all of Lot 9 of Eisenbraun Subdivision less Winton Subdivision; all of SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; all in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, located at the western terminus of Mondo Street.
46. No. 05SV060 - A request by Britton Engineering & Land Surveying for Prairiefire Investments, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter, sidewalk, streetlight conduit; and dedicate additional right-of-way; and allow platting one half of a right-of-way** on Lots 1 and 2, Block 4, Prairiefire Subdivision, located in NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 NE1/4, less the Eisenbraun Subdivision, Winton Subdivision and less the E54.4' for Anderson Road Right-of-Way, all located in the NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the western terminus of Mondo Street.
47. No. 05SV061 - A request by Britton Engineering for Prairiefire Investments, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 11-14, Block 1; Lots 4-11, Block 2; Lots 5-8, Block 3; Lots 3-8, Block 4; Prairiefire Subdivision, located in the NE1/4, Section 26, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of NE1/4 NE1/4, less a portion of Lot 8 and all of Lot 9 of Eisenbraun Subdivision less Winton Subdivision; all of SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; all in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, located at the western terminus of Mondo Street.

End of Continued Items Consent Calendar

The Mayor presented (No. 05PL247), a request by CETEC Engineering for Bruce Kulpaca for a **Preliminary Plat** on Lots 8 - 12 of Block 1, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the north and south sides of Park Hill. Michael Gibbs, 2618 Merlot Drive representing other concerned citizens and himself, advocated changes to the proposed development; pointing out the steep grade of existing streets and the hazards posed by the steep grade, and a hammerhead cul-de-sac that is foreign to Rapid City. Gibbs indicated they have not had an opportunity to review the late submittal of CETEC Engineering. Gibbs asked that the Council table or continue the discussion. Bruce Kulpaca, 1201 Kulpaca Place explained that the project is a 1.88 acre parcel, zoned as single-family residential, and the lots meet or exceed the minimum requirements for single-family residential. He indicated the project has

been reviewed and scrutinized by Planning, Engineering and Fire departments; and has received approval by the departments and the Planning Commission recommends approval with stipulations. Kulpaca pointed out that the hammerhead cul-de-sac is not a new design, and that they have improved upon the design of this cul-de-sac. Alderman Kooiker indicated his interest in the design of the hammerhead cul-de-sac verses the normal type of cul-de-sac.

Johnson moved, second by Schumacher to continue No. 05PL247, a request by CETEC Engineering for Bruce Kulpaca for a **Preliminary Plat** on Lots 8 - 12 of Block 1, Park Hill Subdivision to the March 6, 2006 Council meeting. Alderman Hadcock reminded the members that the petitioner meets all the criteria and has received approval of staff and the Commission.

Substitute motion was made by Hadcock, second by Okrepkie to approve No. 05PL247, a request by CETEC Engineering for Bruce Kulpaca for a **Preliminary Plat** on Lots 8 - 12 of Block 1, Park Hill Subdivision with stipulations. Kulpaca indicated that he would not be available for the March 6th meeting as he is having to return home to attend to family matters; and asked the Council for a decision. Upon a vote being taken on the substitute motion to approve, substitute motion failed with Hadcock voting AYE.

Upon a vote being taken on the original motion to continue, motion carried.

The Mayor presented (No. 05SV079), 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, additional pavement and additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 28 and 29 of Forest Park Estates Subdivision, formerly Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4231 Starlite Drive. Johnson moved, second by Kroeger that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement along Starlite 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 assessment for the improvements; and that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice. Motion carried.

Johnson moved, second by Okrepkie to authorize the Mayor and Finance Officer to sign a waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Starlite Drive as they abut Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Alderman Olson advocated sidewalks in this area and reported the number of calls received concerning sidewalks in this neighborhood. Olson indicated there is sidewalk along sections of Rosemary Lane; and pointed out the schools in this vicinity. Alderman Johnson suggested the Council would favorably look at ordering in sidewalks in an area that needed sidewalk to service the local community. (*Secretary's Note: The vote on this motion is taken up after the reconsideration of No. 05SV079, Variance to the Subdivision Regulations.*)

Kooiker moved, second by Okrepkie to reconsider No. 05SV079, 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, additional pavement and additional Right-of-Way**. Motion carried.

Chapman moved, second by Olson (No. 05SV079) that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and additional pavement along Starlite Drive be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and that the Variance to the Subdivision Regulations to waive the requirement of sidewalk be denied; and that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be denied without prejudice. Alderman Kroeger indicated he would not support the motion, as he did not recall any sidewalks in this area. He indicated this area is developed out, and if the Council is not willing to require all residents in this area to install sidewalks; there is no reason to require this small section.

Substitute motion was made by Kooiker, second by Johnson (No. 05SV079) that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit and additional pavement along Starlite Drive be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be denied without prejudice; and that the Variance to the Subdivision Regulations to waive the requirement of sidewalk and curb and gutter be continued to the February 28, 2006 Public Works Committee meeting. Upon a vote being taken, the motion carried with Kroeger and Hadcock voting NO.

Upon a vote being taken on the motion to authorize the Mayor and Finance Officer to sign a waiver of right to protest a future assessment relating to No. 05SV079, motion carried.

The Mayor presented No. 05SV088, a request by CETEC Engineering for Bruce Kulpaca for a **Variance to the Subdivision Regulations to allow a Lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 8 - 12 of Block 1, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the north and south sides of Park Hill. Johnson moved, second by Chapman to continue the Variance to the March 6, 2006 Council meeting. Motion carried with Hadcock voting NO.

The Mayor presented No. 06PL002, a request by FMG, Inc. for Belgarde Enterprises for a **Preliminary Plat** on Lot 1 of Stoney Creek South No. 2 Subdivision located in the E1/2 of the SW1/4; and located in the S1/2 of the NW1/4 of the SW1/4; and located in the SW1/4 of the SW1/4; all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the E1/2 of the SW1/4; a portion of SW1/4 of the SW1/4; and a portion of the S1/2 of the NW1/4 of the SW1/4; all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of the intersection of Catron Boulevard and Nugget Gulch Drive. Johnson moved, second by Hadcock and carried to approve the Preliminary Plat with the following stipulations: 1. Prior to Planning Commission approval of the Preliminary Plat, the applicant shall demonstrate that a developable area exists between Nugget Gulch and the sub-collector street extending along the

south lot line of the subject property or the plat document shall be revised accordingly; 2. Prior to Planning Commission approval of the Preliminary Plat, the plat document shall be revised to show the reconfiguration of the intersection of Nugget Gulch Drive, Belgarde Drive and the sub-collector street. In particular, the intersection shall be revised showing the sub-collector street directly intersecting with Nugget Gulch Drive and the elimination of Belgarde Drive; 3. Prior to City Council approval of the Preliminary Plat, 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; 4. Prior to City Council approval of the Preliminary Plat, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures; 5. Prior to City Council approval of the Preliminary Plat, additional drainage information shall be submitted for review and approval. In particular, drainage calculations, report and plan shall be submitted demonstrating that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; 6. Prior to City Council approval of the Preliminary Plat, a private utility master plan shall be submitted for review and approval. In particular, a utility distribution sheet shall be submitted, signed by the appropriate representatives, showing the locations of gas, telephone, electric and cable television lines; 7. Prior to City Council approval of the Preliminary Plat, the water plans shall be revised demonstrating that adequate fire and domestic flows are being provided. In addition, the revised water plans shall be submitted for review and approval; 8. Prior to City Council approval of the Preliminary Plat, road construction plans for Catron Boulevard shall be submitted for review and approval. In particular, the construction plans shall show the installation of curb, gutter, sidewalk and sewer or a Variance to the Subdivision Regulations shall be obtained; 9. Prior to City Council approval of the Preliminary Plat, road construction plans for the sub-collector street located along the south lot line shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 10. Prior to City Council approval of the Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; 11. Prior to submittal of a Final Plat application, the plat document shall be revised to provide non-access easements along Catron Boulevard and Nugget Gulch Road except for the approved approach location(s); 12. Prior to submittal of a Final Plat application, the applicant shall submit a street name for the sub-collector street to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name; 13. Upon submittal of Final Plat application, the plat document shall be revised to show ten foot wide planting screen easement along Catron Boulevard or a Variance to the Subdivision Regulations shall be obtained; and, 14. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

CONSENT CALENDAR ITEMS – 49-103

The following items were removed from the Consent Calendar:

57. No. PW021406-08 Authorize staff to advertise for bids for 2006 Street Painting Project No. STCM06-1475; CIP #50594
58. No. PW021406-09 Authorize staff to advertise for bids for 2006 Street Marking Project No. PM06-1463; CIP #50593
60. No. PW021406-11 Authorize the Mayor and Finance Officer to sign Amendment No. 1 to the Professional Services Agreement with enVision Design, Inc. for the Dahl Fine Arts Center Expansion Project No. IDP 04-1367 (remodeling of the existing Dahl Fine Arts Center / MDU) for a decrease of \$194,116.19.
69. No. LF020106-05 Approve appointments of Tom Collings, Kathy Laforest, Dave Kurtz, Scott Backens, Doug Puetz, Shelly Shock, Brian Gosch and Margo Burton and Sheryl Logan to the Mayor's Committee for People with Disabilities.

Johnson moved, second by Kroeger and carried to approve the following items as they appear on the Consent Calendar.

Public Works Committee Consent Items

48. No. PW021406-01 Approve a request by Dream Design Inc. for authorization to prepare an H-Lot in the unplatted balance of the E1/2 NE1/4 and the NE1/4 SE1/4, Section 29, T1N, R7E, BHM on behalf of the City of Rapid City and authorize acceptance of deeds.
49. Approve the installation of the Neighborhood Watch pal light at the Monroe / Lemmon drainage area.
50. Acknowledge report on Fairview Street, 700 Block sewer backup.
51. No. PW021406-02 Approve Change Order No. 1 for Nugget Gulch Road Extension Project No. ST05-1534; CIP #50615 to Quinn Construction, Inc. for an increase of \$3,600.00
52. No. PW021406-03 Authorize staff to advertise for bids for Hot Mixed Asphaltic Concrete
53. No. PW021406-04 Authorize staff to advertise for bids for Ready Mixed Concrete
54. No. PW021406-05 Authorize staff to advertise for bids for Limestone Gravel
55. No. PW021406-06 Authorize staff to advertise for bids for Sweeper Broom Refills
56. No. PW021406-07 Authorize staff to advertise for bids for Handheld, Mobile Two-Way Radios/Pagers
59. No. PW021406-10 Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with Stanley Consultants, Inc. for Canyon Lake Restoration Project No. PW06-1561 / CIP #50631 for an amount not to exceed \$9,700.
61. No. PW021406-12 Approve Out-Of-The-Dust funds in the amount of \$15,565 to pave approximately 250 feet of Rushmore Street.
62. No. PW021406-13 Authorize the Mayor and Finance Officer to sign an Amendment to the Professional Services Agreement with FMG, Inc. for Engineering and Construction materials testing for projects started in 2005 for an amount not to exceed \$1,158.60.
63. No. PW021406-14 Approve a Resolution imposing water construction fees for connection to the water utility along portions of Mallow Street as per the Mallow Street Utility Extension Project No. DEV 04-711.

RESOLUTION

WHEREAS, Rapid City Municipal Code Section 13.04.095 and South Dakota Codified Law Section 9-47-16 allows the Common Council to impose water construction fees for connection to the water utility in certain areas; and

WHEREAS, water utility mains have been extended along portions of Mallow Street as per plans titled "Mallow Street Utility Extension (DEV 04-711)", as shown on Exhibit A, attached hereto and incorporated herein, by Robert J. Pesek, hereinafter referred to as "Developer", and

WHEREAS, Developer paid the total project costs to extend the water utility main including engineering and construction costs; and

WHEREAS, the total project cost to complete this water utility main extension project was \$20,671.40; and

WHEREAS, the total project cost will be equally proportioned to the properties identified in Exhibit A before such property shall be served with such facilities; and

WHEREAS, the Common Council finds that such utility construction fees are appropriate and in the best interests of the City, community, and the water utility.

NOW, THEREFORE, be it resolved that utility construction fees are hereby imposed on the property that benefits from the construction of the water utility main along Mallow Street as per plans prepared by Centerline titled "Mallow Street Utility Extension (Dev 04-711)", and

BE IT FURTHER RESOLVED, three properties that will benefit from the extension of the water utility main have been identified and are shown on Exhibit A, and are further identified as the Heiser property (lots 23, 24, 25 & 26), the Chandler property (lot 18), and the Pesek property (Developer's)(lots 19, 20, 21, & 22); and

BE IT FURTHER RESOLVED, the above-described properties shown in Exhibit A, other than the Pesek property (Developer's property), shall be required to pay its proportional share of the cost of the construction of the extension of the water utility main at such time the property requests a water service tap; and

BE IT FURTHER RESOLVED, the basis for establishing each benefiting property's proportional share of the cost of the construction shall be accomplished by dividing the actual project cost by 3 parcels (one of which is the Developer's parcel); and

BE IT FURTHER RESOLVED, all water utility construction fees collected as established herein shall accrue to the water utility enterprise fund; and

BE IT FURTHER RESOLVED, such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$13,780.94 is collected, at which time this Resolution and utility construction fee shall automatically expire; and

BE IT FURTHER RESOLVED, the Developer will be reimbursed his proportional share of the cost associated with extending the water main from the water utility construction fees collected as established herein.

Dated this 20th day of February, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 64. No. PW021406-14A Approve a Resolution imposing sewer construction fees for connection to the sanitary sewer utility along portions of Mallow Street as per the Mallow Street Utility Extension Project No. DEV 04-711.

RESOLUTION

WHEREAS, Rapid City Municipal Code Section 13.08.365 and South Dakota Codified Law Section 9-48-15 allows the Common Council to impose sewer construction fees to the sanitary sewer utility in certain areas; and

WHEREAS, sanitary sewer mains have been extended along portions of Mallow Street as per plans titled "Mallow Street Utility Extension (DEV 04-711)", as shown on Exhibit A, attached hereto and incorporated herein, by Robert J. Pesek, hereinafter referred to as "Developer", and

WHEREAS, Developer paid the total project costs to extend the sanitary sewer main including engineering and construction costs; and

WHEREAS, the total project cost to complete this sanitary main extension project was \$14,531.08; and

WHEREAS, the total project cost will be equally proportioned to the properties identified in Exhibit A before such property shall be served with such facilities; and

WHEREAS, the Common Council finds that such utility construction fees are appropriate and in the best interests of the City, community, and the sanitary sewer utility.

NOW, THEREFORE, be it resolved that utility construction fees are hereby imposed on the property that benefits from the construction of the sanitary sewer main along Mallow Street as per plans prepared by Centerline titled "Mallow Street Utility Extension (Dev 04-711)", and

BE IT FURTHER RESOLVED, three properties that will benefit from the extension of the sanitary sewer main have been identified and are shown on Exhibit A, and are further identified as the Hendrickson property (lot 17), the Chandler property (lot 18), and the Pesek property (Developer's)(lots 19, 20, 21, & 22); and

BE IT FURTHER RESOLVED, the above-described properties shown in Exhibit A, other than the Pesek property (Developer's property), shall be required to pay its proportional share of the cost of the construction of the extension of the sanitary sewer main at such time the property requests a sewer service tap; and

BE IT FURTHER RESOLVED, the basis for establishing each benefiting property's proportional share of the cost of the construction shall be accomplished by dividing the actual project cost by 3 parcels (one of which is the Developer's parcel); and

BE IT FURTHER RESOLVED, all sewer construction fees collected as established herein shall accrue to the sanitary sewer enterprise fund; and

BE IT FURTHER RESOLVED, such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$9,687.38 is collected, at which time this Resolution and utility construction fee shall automatically expire; and

BE IT FURTHER RESOLVED, the Developer will be reimbursed his proportional share of the cost associated with extending the sanitary sewer main from the sewer construction fees collected as established herein.

Dated this 20th day of February, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 65. Approve an Exception to the Rapid City Design Criteria Manual for the location of a sewer main on Centre Street.

Legal & Finance Committee Consent Items

- 66. Refer prohibiting smoking for certain Civic Center events to the Civic Center Board with the request that this item be placed on their next agenda.
- 67. Approve a request to hold all night softball tournament at Star of West Complex for two days in June on a one-time trial basis with a request that the organization come back to the Legal & Finance Committee in July with a report.
- 68. No. LF021506-23 Refer a request for funding from the .16 Utility Fund for sewer and water for Mall Drive (between East North Street and LaCrosse Street, FLMC, Inc.) to the .16 Committee.
- 70. No. LF021506-02 Approve a Resolution regarding Rapid City Clean Up Day.

RESOLUTION

WHEREAS, reducing litter rubbish, and other debris is an important part of the scenic beauty of the City of Rapid City; and

WHEREAS, from time to time the City becomes negatively impacted by litter, rubbish and other debris; and

WHEREAS, the City periodically needs such litter, rubbish, and other debris removed;
and

WHEREAS, the City has an interest in working with volunteers to clean up Rapid City;
and

WHEREAS, the City of Rapid City appreciates the assistance of individual volunteers and
volunteer organizations who assist with clean up projects.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City officially recognizes and
sponsors Rapid City Clean-Up Day on April 29, 2006, and all the volunteers who
participate therein.

Dated this 20th day of February, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

71. Request staff not to place the new city logo on any city vehicles until a new design is approved.
72. No. LF021506-04 Approve Travel Request for Garrett Johnson to Attend COMPTIA Network Training in Rapid City, SD, on March 27-31, 2006, in an Approximate Amount of \$1,646.
73. No. LF021506-05 Approve Travel Request for Police Department to Attend Goals Planning Meeting in Deadwood, SD, May 3-4, 2006, in an Approximate Amount of \$1,130.
74. No. LF021506-06 Authorize staff to advertise for Requests For Proposals to provide City fireworks show for 2006 with an option for two additional years at a cost of \$18,000 per year.
75. Authorize staff to accept Fire Act Grant funds in the amount of \$66,372.
76. No. 01TI004 Approve relocation of Red Rock detention ponds – Tax Increment District No. 32.
77. Authorize staff to transfer a 1993 Ford Aerostar all wheel mini van, SN92866, Inventory #4835 to the Rapid City Public Library.
78. No. LF021506-07 Authorize the Mayor and Finance Officer to sign Local Government Certifications by the Chief Executive Officer for Funding from the Emergency Shelter Grants, Low Income Housing Tax Credits and HOME Programs and Support Letters for WAVI, Corner Stone's Rescue Mission, Women & Children's Home, and Transitional Housing Units, Professional Management, Inc.'s Knollwood Heights Renovation Project and authorize Mayor to sign the certifications and support letters.
79. No. LF021506-26 Authorize staff to draft an ordinance amending Section 1013.3 of the 2003 International Building Code by adding an exception to increase the common path of travel in R-2 occupancies (apartment) from 75 feet to 125 feet.
80. No. LF021506-08 Approve a Resolution Declaring Property Surplus for Rapid Transit Division, Streets Division, Computer Department and Fire and Emergency Services.

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 or trade-in on new equipment:

Rapid Transit Division

1997 Bluebird, VIN # 1BAHBCSA7VF075345	Inv # 001608
1998 Bluebird, VIN # 1BAGBCSA8WF081619	Inv # 001607
1999 Bluebird, VIN # 1BAGBCSA4XF085409	Inv # 001612
1999 Bluebird, VIN # 1BAGBCSAXXF085964	Inv # 001613
2000 Bluebird, VIN # 1BAGBCPA0YF096627	Inv # 001615

Streets Division

Shenandoah Waste Oil Heater, S/N 3653	Inv # 19211
Shenandoah Waste Oil Heater, S/N 3656	Inv # 19210
1976 Arrow Tamper, S/N 343377T, Miles/hrs 738	Inv # 001552
1967 Ford C700, oil distributor, S/N C70EUA87928, Miles/hrs 127,189	Inv # 001582

Computer Department

Gateway ALR 8300 NTS Server, S/N 0014550930	Inv # 15606
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Fire and Emergency Services

1991 Plymouth Acclaim, VIN # 1P3XA46K5MF667225	Inv # 1436
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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 20th day of February, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 81. No. LF021506-09 Approve a request for audit extension.
- 82. No. LF021506-10 Authorize the Mayor and Finance Officer to sign a Resolution regarding Sanitary Sewer Construction Fee (NE Area Sanitary Sewer – Phase 1).

RESOLUTION

WHEREAS, Rapid City Municipal Code Section 13.08.365 and SDCL Section 9-48-15 allows the Common Council to impose sewer construction fees for the connection to the sanitary sewer utility in certain areas; and

WHEREAS, sanitary sewer mains have been extended along portions of Seger Drive immediately east of Elk Vale Road under City Project No. SS03-1250, Northeast Area Sanitary Sewer Interceptor – Phase I, as shown on Exhibit A, attached hereto and incorporated herein, and

WHEREAS, the total project cost to complete this sanitary main extension project is \$183,375.84 in construction costs; and

WHEREAS, the total project cost of the construction of Northeast Area Sanitary Sewer Interceptor – Phase I, City Project No. SS03-1250 should be apportioned according to the benefit each property receives; and

WHEREAS, \$94,559.00 of the project costs are being paid by By-Pass Development, LLC as its equivalent 8" sanitary sewer main costs are required as part of its development of the I-90 Heartland Business Park; and

WHEREAS, the balance of project costs totaling \$88,816.84 will be proportioned to the properties identified in Exhibit A according to the benefits to accrue to such property before such property shall be served with such facilities; and

WHEREAS, these utility construction fees are based on the benefits that accrue to such property on a per-acre system. "Benefiting areas" include those properties that will benefit from increased sanitary sewer main diameter to service the regional area, and do not necessarily directly abut newly constructed sanitary sewer mains. Thus, these properties may need to extend additional sanitary sewer mains at their cost prior to connecting to this infrastructure; and

WHEREAS, the Common Council finds, after conducting a comprehensive investigation of the areas benefited by the construction of the Northeast Area Sanitary Sewer Interceptor – Phase I, City Project No. SS03-1250, that such utility construction fees are appropriate and in the best interests of the City, community, and the sanitary sewer utility.

NOW, THEREFORE, be it resolved that utility construction fees are hereby imposed on the property that benefits from the construction of the Northeast Area Sanitary Sewer Interceptor – Phase I, City Project No. SS03-1250, and

BE IT FURTHER RESOLVED, that the property shown in Exhibit A shall be required to pay its proportional share of the cost of construction of the Northeast Area Sanitary Sewer Interceptor – Phase I, City Project No. SS03-1250 prior to being served with City sanitary sewer; and

BE IT FURTHER RESOLVED, that the property shown on Exhibit A as benefiting property shall pay \$60.48 per acre prior to connection to the City's sanitary sewer main; and

BE IT FURTHER RESOLVED, that all sewer construction fees collected as established herein shall accrue to the sanitary sewer enterprise fund; and

BE IT FURTHER RESOLVED, that such utility construction fees shall remain in effect until such time as the balance of project costs totaling \$88,816.84 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 20th day of February, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 83. No. LF021506-11 Authorize the Mayor and Finance Officer to sign a Resolution regarding Water Main Construction Fee (I-90 Heartland Business Park).

RESOLUTION

WHEREAS, Rapid City Municipal Code Section 13.04.095 and SDCL Section 9-47-16 allows the Common Council to impose water construction fees for the connection to the water utility in certain areas; and

WHEREAS, water mains have been extended in the I-90 Heartland Business Park Subdivision and along Elk Vale Road per plans filed with the City of Rapid City under City Development File No. DEV03-646: I-90 Heartland Business Park Subdivision as shown on Exhibit A, attached hereto and incorporated herein, and

WHEREAS, the City has requested the Developer to oversize the water mains from a 10” diameter main to a 12” diameter main to provide additional capacity to accommodate future upstream growth, and the City has paid the Developer \$34,118.98 for the requested oversize; and

WHEREAS, water main oversize costs associated with the I-90 Heartland Business Park Subdivision, City Development File No. DEV03-646, should be apportioned according to the benefit each property receives; and

WHEREAS, the water main oversize costs totaling \$34,118.98 will be proportioned to the properties identified in Exhibit A according to the benefits to accrue to such property before each property shall be served with such facilities; and

WHEREAS, these utility construction fees are based on the benefits that accrue to such property on a per-acre system. “Benefiting areas” include those properties that will benefit from increased water main diameter to service the regional area, and do not necessarily directly abut newly constructed water mains. Thus, these properties may need to extend additional water mains at their cost prior to connecting to this infrastructure; and

WHEREAS, the Common Council finds, after conducting a comprehensive investigation of the areas benefited by the construction of the water mains associated with the I-90 Heartland Business Park Subdivision, City Development File No. DEV03-646, that such utility construction fees are appropriate and in the best interests of the City, community, and the water utility.

NOW, THEREFORE, be it resolved that utility construction fees are hereby imposed on the property that benefits from the oversize portion of the construction of the water mains associated with I-90 Heartland Business Park Subdivision, City Development File No. DEV03-646, and

BE IT FURTHER RESOLVED, that the property shown in Exhibit A shall be required to pay its proportional share of the oversize cost of construction of the water mains associated with I-90 Heartland Business Park Subdivision, City Development File No. DEV03-646, prior to being served with City water; and

BE IT FURTHER RESOLVED, that the property shown on Exhibit A as benefiting property shall pay \$130.07 per acre prior to connection to the City's water main; and

BE IT FURTHER RESOLVED, that all water construction fees collected as established herein shall accrue to the water enterprise fund; and

BE IT FURTHER RESOLVED, that such utility construction fees shall remain in effect until such time as the balance of project costs totaling \$34,118.98 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 20th day of February, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

84. No. PW013106-21 Refer funding source discussion and authorization for the Mayor and Finance Officer to sign a Covenant Agreement with Farrar Real Estate Limited Partnership to initiate the first phase of the "North Deadwood High -- High Level" Water Service Zone and Cost Sharing for the infrastructure to the .16 Committee for discussion and ask that it bring back a recommendation to the Legal & Finance Committee.
85. No. LF021506-12 Authorize the Mayor and Finance Officer to sign a Professional Design Services Agreement with ARC International, Inc. for a Multi-Use Storage Facility.
86. No. LF021506-13 Authorize staff to sign Golf Cart Space Rental Agreement.
87. No. LF021506-14 Authorize staff to solicit Requests For Proposals for custodial services.
88. No. LF021506-15 Authorize the Mayor and Finance Officer to sign Contract with Black Hills Power and Light Company for a pal light at Monroe Street / Blaine Avenue.
89. No. LF021506-16 Approve a request from Ken Gray, d/b/a Goofy Moose, for a Vending License for 2006.
90. No. LF021506-17 Authorize the Mayor and Finance Officer to sign an Agreement with BWWW Enterprises, LLC to Share Water Main Construction Costs.

- 91. No. LF021506-18 Authorize the Mayor and Finance Officer to sign a Contract for Private Development Tax Increment District Number Forty Eight with BWWW Enterprises, LLC.
- 92. No. LF021506-19 Authorize the Mayor and Finance Officer to sign a Real Estate Relationships Disclosure and Agency Agreement Addendum with West Forty Realty.
- 93. No. LF021506-20 Authorize the Mayor and Finance Officer to sign an Agreement with the Rapid City School District to conduct the feasibility study for the proposed theatre at Central High School.
- 94. No. LF021506-21 Acknowledge a raffle request from Easter Seals South Dakota.
- 95. No. LF021506-22 Acknowledge a raffle request from Pennington County Republican Party.
- 96. Approve the following licenses: Second Hand: Micro Solutions, Inc, Jamie V Al-Haj; Software Etc, #1257, Troy L Cruz; Trebleshooter Guitars & Jazz, Mitchell Kimball; Matt Kimball's Golf Shop, Matthew R Kimball; Micro Solutions, Inc, Jamie V Al-Haj; Software Etc, #1257, Troy L Cruz; Trebleshooter Guitars & Jazz, Mitchell Kimball; Security Business: Discovery Investigation Services, Michael J Jacob; Marshall Security, Marshall T Burnette; Ole Olson Security, Vance A Olson; Ram Security & Patrol, Ryan J Hunter; Rochester Armored Car Co, Inc, Paul Cameron; Shamrock Security, Francis A Kelley; Taxi Business: Wheelchair Services of the Black Hills, Michael & Leanne Weideman; Central Station Service: Central Station, Inc, Don H Minyard.
- 97. No. LF021506-25 Approve a Resolution Dissolving Tax Increment District No. 57.

A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT
NUMBER FIFTY SEVEN

WHEREAS, the City of Rapid City created Tax Increment District Number Fifty- Seven on December 19, 2005; and

WHEREAS, no project plan was ever approved for Tax Increment District #57; and

WHEREAS, in the absence of an approved project plan there are no reimbursable project costs to be paid; and

WHEREAS, being that there are no reimbursable costs, the City Council of the City of Rapid City is authorized to dissolve this Tax Increment District pursuant to SDCL 11-9-46 (2),

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that Tax Increment District Number Fifty-Seven be and hereby is dissolved.

BE IT FURTHER RESOLVED, that any funds which are deposited in the Tax Increment District Number Fifty-Seven Special Fund established pursuant to SDCL 11-9-31, be distributed as provided by SDCL 11-9-45.

Dated this 20th day of February, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

98. Request the City Attorney's office to write a letter to Plum Creek regarding the IDPF Loan.

Growth Management Department Consent Items

99. No. 05PL180 - A request by D.C. Scott Co. Land Surveyors for Timberline Corporation for a **Preliminary Plat** on Lots 1 and 2, Tract G, Fountain Springs Business Park, located in the NE1/4 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract G, Fountain Springs Business Park, located in the NE1/4 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on the north side of South Plaza Drive at juncture with Plaza Boulevard. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, construction plans for S. Plaza Drive shall be submitted for review and approval. In particular, the construction plans shall show the existing water main line, the existing 26 foot wide paved surface and curb and gutter along S. Plaza Drive as it abuts the subject property. In addition, the construction plans shall show street light conduit along S. Plaza Drive or a Variance to the Subdivision Regulations shall be obtained; 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 show drainage easements as needed; 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 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. 05PL231 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 28 and 29 of Forest Park Estates Subdivision, formerly Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4231 Starlite Drive. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, road construction plans showing the installation of curb, gutter, street light conduit, sidewalk, water, sewer and additional pavement along Starlight Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. 2. Upon submittal of a Preliminary Plat application, drainage information and any necessary drainage easements shall be submitted for review and approval. 3. Upon submittal of the Final Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 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; and, 5. Upon submittal of a Preliminary Plat application, information regarding water service and sewer service shall be submitted demonstrating compliance with applicable City Requirements. The location of all wells, water service lines, septic systems holding tanks and other related utilities shall be identified.)

101. No. 05PL239 - A request by Centerline for A/R Group, LLC for a **Layout Plat** on Lot 1 of Anamosa Crossing Subdivision, formerly Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest side of the intersection of East Anamosa and East North Street. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Planning Commission approval of the Layout Plat, a Master Plan for the entire parcel shall be submitted for review and approval; 2. Upon submittal of a Preliminary Plat, a geotechnical report shall be submitted for review and approval. In particular, the geotechnical report shall address construction recommendations for the large, deep embankment area; 3. Upon submittal of a Preliminary Plat, a grading plan including sedimentation and erosion control measures shall be submitted for review and approval; 4. Upon submittal of a Preliminary Plat, a Drainage Plan in accordance with the Perrine Basin Drainage Plan shall be submitted for review and approval. The drainage plan shall also include calculations demonstrating that discharge from any site facilities will result in net drainage basin run-off not exceeding pre-development flow rates or local detention facilities shall be provided or expanded as needed. In addition, the plat document shall be revised to provide drainage easements as needed; 5. Upon submittal of a Preliminary Plat, road construction plans for E. North Street shall be submitted for review and approval. In particular, the road construction plans shall show the street 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; 6. Upon submittal of a Preliminary Plat, road construction plans for E. Anamosa Street shall be submitted for review and approval. In particular, the road construction plans shall show the street 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; 7. Upon submittal of a Preliminary Plat, road construction plans for Century Street shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 8. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the proposed approach aligning with Menard Drive. In addition, Approach Permit(s) shall be obtained from the South Dakota Department of Transportation for the proposed approach location(s) and that the applicant coordinate the approaches with the property and the Interstate to provide access 9. Prior to Preliminary Plat approval by the City Council, an Exception to the Street Design Criteria Manual shall be obtained to allow access from E. North Street and E. Anamosa Street in lieu of Century Street, the lesser order, or the plat document shall be revised accordingly; 10. Upon submittal of a Preliminary Plat, a Utility Master Plan shall be submitted for review and approval. In addition, the location of the re-located Western Area Power Administration power line (WAPA) shall be shown and the plat document shall be revised to show existing and proposed utility easement(s) as needed; 11. Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, utility easements shall be provided as needed; 12. Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains and service lines shall be submitted for review and approval demonstrating that sufficient quantities for domestic and fire flows

shall be provided during peak day use conditions or a Variance to the Subdivision Regulations shall be obtained. In addition, utility easements shall be provided as needed; 13. Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; 14. Upon submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along the adjacent street(s) with the exception of the approved approach location(s); 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.)

102. No. 05PL251 - A request by Rob Livingston for a **Layout Plat** on Lots 1 - 31 and Common Lots 1 - 3 of Block 1; and Lots 1 - 12 and Common Lot 1 of Block 2, Blakes Estates, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Tract A of Government Lots 1 and 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, located at 6620 West Highway 44. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: Acknowledged the applicant's withdrawal of the Layout Plat.)

END OF CONSENT CALENDAR

Olson moved, second by Okrepkie and carried to (No. PW021406-08) authorize staff to advertise for bids for 2006 Street Painting Project No. STCM06-1566; CIP #50594; and (No. PW021406-09) authorize staff to advertise for bids for 2006 Street Marking Project No. PM06-1567; CIP #50593

The Mayor presented No. PW021406-11, to authorize the Mayor and Finance Officer to sign Amendment No. 1 to the Professional Services Agreement with enVision Design, Inc. for the Dahl Fine Arts Center Expansion Project No. IDP 04-1367 (remodeling of the existing Dahl Fine Arts Center / MDU) for a decrease of \$194,116.19. Finance Officer Preston disclosed a revision to the contract to decrease the amount of the original design contract, leaving a fund balance of \$77,500 for a reduced scaled project; whereupon Chapman moved, second by Hadcock to approve. Motion carried.

Kroeger moved, second by Hadcock to (No. LF020106-05) approve the appointments of Tom Collings, Kathy Laforest, Dave Kurtz, Scott Backens, Doug Puetz, Shelly Shock, Brian Gosch and Margo Burton and Sheryl Logan to the Mayor's Committee for People with Disabilities. Alderman Schumacher noted his concern with the appointment of Sheryl Logan. Upon a vote being taken, motion carried.

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 comments or objections were voiced. Chapman moved, second by Hurlbut and carried to close the public hearing.

Chapman moved, second by Hadcock and carried to approve the following alcohol license application:

Retail (On-Sale) Wine License 2006 RENEWAL

103. Connie M. Suto dba **Piece of Cake**, 901 Mount Rushmore Road, for a Retail (On-Sale) Wine License

Package (Off-Sale) Liquor License 2006 RENEWAL

104. Carol Enterprises, Inc. dba **Valley Liquor**, 747 Timmons Blvd. for a Package (Off-Sale) Liquor License

Special Malt Beverage License

105. **Rushmore Curling Club, Inc.** for a special Malt Beverage License for an event scheduled May 5-7, 2006 at the Roosevelt Park Ice Arena, 125 Waterloo Street

Retail (On-Sale) Wine License

106. Walter Banovil dba **Picasso Barn Pizzeria**, 556 Kirkeby Lane for a Retail (On-Sale) Wine License
107. Rhonda Berger and Kaz Campillo dba **Ichiban**, 1109 Omaha Street, Suite A for a Retail (On-Sale) Wine License

Retail (On-Off Sale) Malt Beverage License

108. Walter Banovil dba **Picasso Barn Pizzeria**, 556 Kirkeby Lane for a Retail (On-Off Sale) Malt Beverage License
109. Rhonda Berger and Kaz Campillo dba **Ichiban**, 1109 Omaha Street, Suite A for a Retail (On-Off Sale) Malt Beverage License

Package (Off-Sale) Liquor License

110. Lance and Abigail Bridges dba **Bridges Wines and Spirits**, 517 7th Street for a Package (Off-Sale) Liquor License

Package (Off-Sale) Malt Beverage License

111. Lance and Abigail Bridges dba **Bridges Wines and Spirits**, 517 7th Street for a Package (Off-Sale) Malt Beverage License

Retail (On-Sale) Liquor License TRANSFER

112. George Motor & Supply Company dba **Murphy's Bar**, 510 9th Street for a Retail (On-Sale) Liquor License transfer from Sports Saloon, Inc dba Murphy's Bar
113. Luke Lester dba **The Stampede**, 640 East St. Patrick Street for a Retail (On-Sale) Liquor License transfer from Harley's Casino, Inc. dba Harley's Casino

Retail (On-Off Sale) Malt Beverage License TRANSFER

114. M.G. Oil Company dba **Uncle Sam's West**, 2730 West Main Street for Retail (On-Off Sale) Malt Beverage License transfer from Jumble, Inc. dba Uncle Sam's West
115. M.G. Oil Company dba **Uncle Sam's East**, 1120 East North Street for Retail (On-Off Sale) Malt Beverage License transfer from Kittens, Inc. dba Uncle Sam's East
116. M.G. Oil Company dba **Uncle Sam's South**, 2110 Jackson Blvd. for Retail (On-Off Sale) Malt Beverage License transfer from Uncle Sam's, Inc. dba Uncle Sam's Eatery & Casino

Package (Off-Sale) Malt Beverage License TRANSFER

117. Jerry Gealy dba **Cigarette Chains**, 1903 North Maple for a Package (Off-Sale) Malt Beverage License transfer from Burnell Lutz dba Gas Plus

Package (Off-Sale) Liquor License (TRANSFER)

118. Derby Advertising, Inc. dba **Canyon Lake Chop House**, 2720 Chapel Lane for a Package (Off-Sale) Liquor License transfer (revise legal description to include adjacent property purchase) *continued from December 5, 2005 and January 16, 2006 Council proceedings*

Retail (On-Sale) Liquor License (TRANSFER)

119. Derby Advertising, Inc. dba **Canyon Lake Chophouse**, 2720 Chapel Lane for a Retail (On-Sale) Liquor License transfer (revise legal description to include adjacent property purchase) *continued from December 5, 2005 and January 16, 2006 Council proceedings*

Set for Hearing (March 6, 2006)

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

Special Beer & Wine License

120. **Rapid City Fine Arts Center, Inc.** for a special Beer & Wine License for an event scheduled March 11, 2006 at the Dahl Arts Center, 713 7th Street
121. **Rapid City Area Chamber of Commerce** for a special Beer & Wine License for an event scheduled March 14, 2006 at the Black Hills Business Center, 1501 East Centre Street
122. **Wildlife Experiences, Inc.** for a special Beer & Wine License for an event scheduled April 7, 2006 at The Prairie Edge, 606 Main Street
123. **United Downtown Association** for a special Beer License for an event scheduled June 30, 2006 in downtown Rapid City, Sixth Street between Rapid & Main Streets

Retail (On-Off Sale) Malt Beverage License TRANSFER

124. Laural A. Hawkins dba **The Marble Club**, 2315 ½ Mt. Rushmore Road for a Retail (On-Off Sale) Malt Beverage License transfer from Thomas McCarty dba The Marble Club

ITEMS FROM THE MAYOR

Public Works Director Jablonski reported a proposed 2012 Project List was presented before the Capital Improvements Program (CIP) Committee.

Mayor Shaw gave a brief report on a meeting with Governor Rounds. He indicated there was discussion about the reconstruction Hwy 16, and a realignment of I-190, south, and economic development.

ITEMS FROM COUNCIL MEMBERS/LIAISON REPORTS

Alderman Kooiker expressed his appreciation for the efforts of City staff on the progress of the revisions to the ADA Transition Plan. He indicated receiving a letter recently from Western Resources for disABLED Independence indicating that it appears the check list the City is using is the Title II Check List, which applies to pre1990 businesses; as opposed to the Title III Check List which applies to governmental entities, including cities and townships. He indicated that if the City uses the proper check list, it would take care of the concerns he has regarding the lack of wheel chairs ramps and curb cuts in residential neighborhoods. He indicated he is an

advocate of moving the ADA Transition Plan process forward. He believed the City needs to be proactive on this, because at some point the City could be faced with forced compliance.

Kooiker moved, second by Schumacher to request the City Attorney's Office review ADA and applicable law to ensure that the City is using the most applicable check list for the ADA Transition Plan Update, and the curb cut transitions; and to bring forward a report to the February 28, 2006 Public Works Committee meeting. Responding to a question from Alderman Chapman, Kooiker indicated that the latest survey method would include the curb cuts and wheel chair ramps. City Attorney Green indicated the Department of Justice ADA Resource Center was contacted and they recommended the City use the form currently being used. Upon a vote being taken, motion carried.

FINANCE OFFICER'S ITEMS

Johnson moved, second by Chapman and carried to (No. CC022006-04), authorize the Mayor and Finance Office to sign a Grant Request to the South Dakota Arts council to assist in funding the Rapid City Children's Chorus.

APPROVAL OF BILLS

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

Payroll Paid Ending 02-04-06, Paid 02-10-06	829,022.91
Payroll Paid Ending 02-04-06, Paid 02-10-06	3,408.80
Pioneer Bank, Taxes Paid 02-10-06	196,370.92
Pioneer Bank, Taxes Paid 02-10-06	235.42
First Administrators, claims paid 02-08-06	79,000.23
First Administrators, claims paid 02-15-06	53,775.95
Berkley Risk Administrators, January claims	47,190.33
Black Hills Power & Light, electricity	12,890.90
Black Hills Power & Light, electricity	30,232.14
Montana Dakota Utilities, gas	8,218.86
West River Electric Association, electricity	14,362.65
United States Postmaster, postage	1,600.00
Computer Bill List	<u>3,380,620.63</u>
Subtotal	\$4,656,929.74
Payroll Paid Ending 02-04-06, Paid 02-10-06	2,609.86
Pioneer Bank, Taxes Paid 02-10-06	199.66
Charles Braunersrither, volunteer stipend	150.00
City of Rapid City, postage	2.64
City of Rapid City, health insurance	733.00
City of Rapid City, worker's comp premium	29.00
Conoco Phillips, gasoline	51.29
Prairie Wave Communications, telephone	34.81
SD Retirement Systems, pension	306.96
Standard Life, life insurance	<u>7.92</u>

Total

\$4,661,054.88

CITY ATTORNEY'S ITEMS

Kroeger moved, second by Hadcock and carried to go into Executive Session at 10:22 P.M. to discuss personnel and contractual matters and potential pending litigation. The Council came out of Executive Session at 11:00 P.M. with all members present. No report was given.

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 11:00 P. M.

CITY OF RAPID CITY

ATTEST:

Finance Office

(SEAL)

Mayor