

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

January 16, 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, January 16, 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, Malcom Chapman and Sam Kooiker. The following Alderpersons arrived during the course of the meeting: None; and the following were absent: Bob Hurlbut.

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

APPROVE MINUTES

Kooiker moved, second by Hadcock and carried to approve the minutes of January 3, 2006 noting a correction to a report made by Alderman Kooiker about deteriorating street conditions on the west-side of the intersection of Sixth Street and Hillcrest Drive.

ADOPTION OF THE AGENDA

The following items were added to the agenda:

- 47.A. Authorize the Mayor and Finance Officer to sign a waiver of right to protest a future assessment for street improvements on Lots 1 and 2 of Lot 9 of Pleasant View Subdivision, located in the SE1/4SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota.
- Committee Appointments, Mayor Shaw
- Acknowledgement of Dr. King's Birthday, Alderman Chapman
- Authorize Mayor and Finance Officer to sign a Letter of Agreement with Grant Thornton, Finance Officer Preston
- Executive Session to discussion contractual matters and potential pending litigation

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

AWARDS AND RECOGNITIONS

Mayor Shaw acknowledged the Citizen of the Month for January, 2006 as Mike Trykoski and commended Mike on his service to the Rapid City community.

Mayor Shaw presented the Veteran of the Month Award for January, 2006 to William "Bill" Paris and recognized his efforts and dedication to the service of his country.

Mayor Shaw presented a Certificate of Recognition to Ray Cornford, of the Rapid City Police Department and acknowledged his 25 years of service to the City.

GENERAL PUBLIC COMMENT

Steve Brenden, 3310 Harmony Lane expressed his frustration with the permitting process and reiterated his concerns with two (2) 16-plex units being constructed on Lot B. He indicated these units are being served by a substandard street that does not meet the Street Design Criteria Manual. He also indicated that these units are addressed as Evergreen but the egress / ingress is from Harmony Lane. Brenden suggested the health and safety of the neighborhood children are at issue; and the creditability of the Building and Growth Management Departments and Planning Commission are at stake. He indicated a fire lane is being built on an easement no longer owned by the City, abandoned in 1984, and should have reverted back the grantor of the easement. He again reiterated his concerns about the drainage in this neighborhood.

Kooiker moved, second by Okrepkie and carried to refer this issue to the January 31, 2006 Public Works Committee meeting to allow the Growth Management Department to bring forth a report.

PUBLIC HEARINGS

The Mayor announced that the meeting was open for consideration of No. LF113005-02, a Business Improvement District created in the City of Rapid City; whereupon Olson moved, second by Okrepkie and carried to approve the Business Improvement District.

The Mayor announced the meeting was open for consideration of No. LF121405-20, a Resolution Levying Assessment for Cleanup of Miscellaneous Properties; whereupon Olson moved, second by Hadcock and carried to open the public hearing. Notice of hearing was mailed to the affected property owners on January 9, 2006, and published in the Rapid City Journal on January 7, 2006. No oral or written objections were submitted. The following resolution was introduced, read and Olson moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR CLEANUP OF MISCELLANEOUS PROPERTIES

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the property clean-up is the amount stated in the proposed assessment roll.
2. The assessment roll for Miscellaneous Property Cleanup is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota

Compiled Laws of 1967, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed nine percent (9%).

Dated this 16th day of January, 2006.

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

CITY OF RAPID CITY
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, Chapman, and Kooiker; NO: None; whereupon said resolution was declared duly passed and adopted.

The Mayor announced that the meeting was open for consideration of No. PW121305-14, a Resolution of Necessity for Clark Street Sanitary Sewer Extension Project SS05-1480. Notice of hearing was published in the Rapid City Journal on December 31, 2005 and January 7, 2006 and mailed to affected property owners on December 30, 2005. Olson moved, second by Okrepkie to approve the Resolution. Substitute motion was made by Chapman, second by Hadcock and carried to continue the public hearing to the February 6, 2006 Council meeting.

The Mayor announced that the meeting was open for consideration of No. PW121305-13 Resolution of Necessity for Hall Street Sanitary Sewer Extension Project Number SS05-1482. Notice of hearing was published in the Rapid City Journal on December 31, 2005 and January 7, 2006 and mailed to affected property owners on December 30, 2005. No oral or written comments were submitted. The following Resolution was introduced, read and Olson moved its adoption:

RESOLUTION OF NECESSITY
FOR
HALL STREET SANITARY SEWER EXTENSION
PROJECT SS05-1482

BE IT RESOLVED by the City of Rapid City as follows:

The City Council hereby declares the necessity of constructing approximately 200 lineal feet of sanitary sewer main to provide service for two parcels on West Main and Hall Street and constructing an additional 140 lineal feet of sanitary sewer main to provide service to a future building on an adjacent parcel. The 200 lineal foot portion of this project will be referred to as Schedule 1 and the 140 lineal foot portion of this project will be referred to as Schedule 2. The above-described project shall hereinafter be referred to as the Hall Street Sanitary Sewer Extension Project Number SS05-1482, which shall be deemed a description of the above referenced improvements.

The general nature of the project is set forth above and reference for detail is hereby made to the drawings and specifications that will be prepared by the Engineering Services Division and placed on file with the City Finance officer.

The estimated cost of the Schedule 1 portion of the project is \$26,000 of which \$8,000 will be matching funds (\$4,000 per parcel served) and \$20,000 will be assessed including the 6% engineering fees and the 5% fiscal fees. The estimated cost of the Schedule 2 portion of the project is \$12,000 of which \$13,350 will be assessed including the 6% engineering fees and the 5% fiscal fees. The method of assessment is on an equal benefit basis for Schedule 1 and on an equal benefit for the lone benefiting parcel for Schedule 2. See the attached map for the Schedule 1 and Schedule 2 alignments.

The recorded ownership and estimated costs for each property is listed below:

Schedule 1

Owner	Property	Estimated Cost
Matt Thrash 3223 W. Main St. Rapid City, SD 57702	Hall Subdivision Block 15	
	W16' of Lot 11;	\$2,500.00
	Lot 12;	\$2,500.00
	Lot 13 less W10'; N1/2 Vacated Alley	\$2,500.00
	Lot 10 & N1/2 Vacated Alley Adjacent to Said Lot; E9' of Lot 11 & N1/2 Vacated Alley	\$2,500.00
Jeanine Reel 3215 W. Main St. Rapid City, SD 57702	Hall Subdivision Block 15	
	Lot 4	\$1,666.67
	Lot 5	\$1,666.67
	Lot 6	\$1,666.67
	Lot 7	\$1,666.67
	Lot 8	\$1,666.67
	Lot 9 & N1/2 Vacated Alley Adjacent to Said Lots	\$1,666.65

Schedule 2

Owner	Property	Estimated Cost
Jeanine Reel 3215 W. Main St. Rapid City, SD 57702	Hall Subdivision Block 15	
	Lot 1	\$4,450.00
	Lot 2	\$4,450.00
	Lot 3	\$4,450.00

Dated this 16th day of January, 2006.

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

CITY OF RAPID CITY
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, Chapman, and Kooiker; NO: None; whereupon said resolution was declared duly passed and adopted.

The Mayor presented No. 04CA029, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan** on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail. Olson moved, second by Okrepkie that the Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan be tabled; and, that the Amendment to the Comprehensive Plan to relocate a Minor Arterial Street approximately 1,000 feet east of its' current location be denied. Responding to a request from Alderman Johnson, Growth Management Director Elkins explained that this request is to relocate the arterial that is south of Sammis Trail. The recommendation from the Planning Commission is to table the change in the reclassification, but approve its relocation. Responding to a request from Alderman Okrepkie, Elkins explained that denying the relocation of the north / south road would result in the applicant's need to change their layout and would affect the plat that is coming forward. Charmaine White Face, Defenders of the Black Hills asked that all development and destruction stop as the hills are scared. Scott Sumner, attorney for Highland Park indicated the relocation of the road is being done for the purpose of wise development and to fit into a sound, long-term road plan for the area.

Substitute motion was made by Okrepkie, second by Kroeger that the Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan be tabled; and, that the Amendment to the Comprehensive Plan to relocate a Minor Arterial Street approximately 1,000 feet east of its' current location be approved. Motion carried.

The Mayor presented No. 05CA044, a request by Larry Nelson for an **Amendment to the Comprehensive Plan by amending the North Rapid Neighborhood Area Future Land Use Plan to change the designation on an .53 acre parcel from Low Density Residential to Medium Density Residential** on all of Block 55, except the S81/2 feet of Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 222 Doolittle Street. Olson moved, second by Kroeger and carried to deny without prejudice.

The Mayor presented No. 05CA045, a request by Baffuto Architectura for Destiny Foursquare Church for an **Amendment to the Comprehensive Plan by revising the North Rapid Area Future Land Use Plan to change the land use designation on a 3.109 acres parcel from Light Industrial to General Commercial** on Lots 1 and 2 of Buckingham Addition all located in the N1/2 of the NW1/4 of the SE1/4 of the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 901 and 927 East Philadelphia Street. 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 16th day of January, 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 revises the North Rapid Area Future Land Use Plan to change the land use designation on a 3.109 acres parcel from Light Industrial to General Commercial on Lots 1 and 2 of Buckingham Addition all located in the N1/2 of the NW1/4 of the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

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 Light Industrial to General Commercial on Lots 1 and 2 of Buckingham Addition all located in the N1/2 of the NW1/4 of the SE1/4 of the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota as attached to the original hereof and that such amendment be filed with the City Finance Office

Dated this 16th day of January, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The Mayor presented No. 05CA051, a request by City of Rapid City for an **Amendment to the Comprehensive Plan to amend the Major Street Plan by revising the alignment of Minnesota Street** on Sections 15, 16, 21 and 22, T1N, R8E, BHM, Pennington County, South Dakota, located south of Plum Creek Subdivision and Elks Country Estates. 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 16th day of January, 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 Major Street Plan to change the alignment of Minnesota Street, in Sections 15, 16, 21 and 22, T1N, R8E, BHM, Pennington County, South Dakota;

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 in Sections 15, 16, 21 and 22, T1N, R8E, BHM, Pennington County, South Dakota as attached to the original hereof and that such amendment be filed with the City Finance Office

Dated this 16th day of January, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for the adoption of the forgoing resolution was second by second by Hadcock. Discussion ensued relative to the alignment of Minnesota Street as outlined by Growth Management Director Elkins, with the aid of an overhead. Responding to a question from Alderman Johnson, Elkins explained a Layout Plat has been approved for an area previously identified. City Attorney Green indicated a Layout Plat is not a final plat, and therefore does entitle the owner to transfer lots. The City has the right o make changes to the Major Street Plan at various times. No one has a vested right in any particular alignment until such time as there is a final plat approved. Changing the alignment will not result in any liability to the City. The following voted AYE: Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, Hadcock, Chapman, and Kooiker; NO: None; whereupon said resolution was declared duly passed and adopted.

The Mayor presented No. 05PD054, a request by Centerline for Brett & Patricia Lawlor for a **Planned Residential Development - Initial and Final Plan** on Lots 1, 2 and 3, Block 5, Schamber Addition, SW1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4114 Sunset Drive. Olson moved, second by Kroeger and carried to deny without prejudice.

The Mayor presented No. 05SV082, a request by Dream Design International, Inc. for a **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** on the unplatted portion of the SE1/4 of the NW1/4 and the SW1/4 of the NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of East Catron Boulevard and Fifth Street. Olson moved, second by Johnson and carried 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 approved; and that the Exception to the Street Design Criteria Manual be allow curb side sidewalks in lieu of property line sidewalks be denied.

The Mayor presented No. 05SV086, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement width along Catron Boulevard as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2A and 2B of Block 1, Black Hills Center, formerly the unplatted portion of the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Catron Boulevard and Fifth Street. Olson moved, second the Johnson and carried to approve the Variance.

LEGAL & FINANCE COMMITTEE ITEMS

The Mayor presented No. 05TI016, to approve the project plan with amendments 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. Alderman Chapman outlined the amendments as recommended at Committee level: Add additional costs to the Project Plan of \$400,000 for Phase I oversizing costs for the extension of Minnesota Street, \$500,000 Phase II oversizing costs for the extension of Minnesota Street, and \$100,000 costs for park and recreation; whereupon Alderman Johnson moved to approve. Second by Schumacher. Aldermen Chapman, Olson and Hadcock indicated they did not support the creation of the District. Chapman indicated he understood the importance of the second access. Olson indicated she had hesitation about some of the financing and the long-term implications of the district and its formation. Alderman Johnson explained the additional money in the TID Project Plan is to reimburse the City for the additional oversizing costs. He indicated the TID essentially allows development to pay for development. He explained that the access is important for development to continue and important for response of emergency vehicles to the existing developments. Responding to a question from Alderman Chapman, Growth Management Director Elkins explained that as part of a Tax Increment District, the City does not identify the upfront funding source for future oversizing, as it typically comes out of the ongoing budgets. Oversizing agreements are entered into at the first segment of a phased project. City Attorney Green indicated that at the time of an oversizing request or agreement is presented would be the time the Council would have to identify those funds. As for the expenses identified within the project plan, the funding source is the Tax Increment Financing fund itself. Responding to a question from Alderman Okrepkie about a temporary access, Elkins, with the aid of an overhead, outlined an existing temporary access. Green indicated that the instrument that created the temporary easement did not identify a timeframe of how long this temporary access would be in place. It was his opinion, it would continue as long as it is necessary. Discussion ensued relative to the alignment and extension of Minnesota Street to the section line and a secondary permanent access to allow development to continue. Responding to a question from Alderman Kroeger, Elkins explained that if Council approves the project plan as amended, development continues as soon as construction contracts are let for the Minnesota Street extension.

Substitute motion was made by Kroeger, second by Schumacher to refer the project plan with amendments for a **Tax Increment District No. 57 - Project Plan** to the January 31, 2006 Public Works Committee. Kroeger asked staff to contact the developer with a request to attend the

Committee meeting to explain his intent as it relates to a temporary secondary access. Upon a vote on the substitute motion to continue, motion carried.

PUBLIC WORKS COMMITTEE ITEMS

The Mayor presented No. PW011006-17, acknowledge the written report on the update on Airport bylaws and meeting procedures; and the verbal report from City Attorney Green; whereupon Olson moved to acknowledge the report. Second by Okrepkie. City Attorney Green, responding to a question from Alderman Kooiker, explained that after discussion of the quotes and costs of the acquiring the equipment that would enable the Airport Board to do the streaming audio, there was a tabling motion of the item. Green explained that a tabling motion requires a two-thirds vote, which was not achieved. Green reported the discussion continued and a motion was made to continue the item to the next regular Airport Board meeting. Alderman Kooiker reported concerns were brought forward at a Public Works Committee meeting about the Airport Board taking steps to change their past minutes. Kooiker indicated that the City Attorney assured the Public Works Committee that the Open Meetings Commission would be made aware of the changes; that clarifications were being made to the current minutes; and that the Airport acknowledges the inadequacies of the past minutes. Kooiker indicated he appreciated the fact that the Airport has acknowledged that there were violations, and that they are trying to clarify the record. Kooiker indicated his concern about the Airport's opposition to streaming audio. City Attorney Green explained that neither he, nor the Airport Board ever acknowledged that the minutes were inadequate. The correction to the minutes was to correct an inaccuracy regarding one of the reasons for going into Executive Session. Green was of the opinion that the minutes that the Board takes, meet all the legal requirements that are necessary for a public body. Responding to a request from Alderman Johnson, City Attorney Green reported on the meeting notification procedures for the Airport Board. He explained that the Board adopted a policy that they will do more than what is required under State law. He reported on the discussion of the Bylaws. He explained that there were some minor changes that were suggested to the Bylaws. The action on approving the Bylaws was continued to the next Board meeting. Alderman Schumacher suggested the written report is not complete. He also indicated his concern with the streaming audio issue. Question was called by Alderman Olson. There being no objection, a vote was taken. Motion carried with Schumacher voting NO.

GROWTH MANAGEMENT DEPARTMENT ITEMS

The Mayor presented No. 04PL097, a request by Dream Design International, Inc. for a **Layout Plat** on Hyland Park Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail. Olson moved, second by Okrepkie to approve the Layout Plat with stipulations. Casey Peterson, Rapid City expressed his concern with the alignment of a street that connects with Dreamscape Road. He indicated there will 3,500 cars per day coming from the development, plus the cars from WalMart that will impact the homes that have been in this area for five to fifteen years. He reiterated the concerns of the Comprehensive Plan, density, landscaping, and traffic volume. He appealed to the Council on the density and road alignment. Tom Krafka, Rapid City gave a brief history on the development of the area surrounding his home. He explained that Pennington County and Hart Ranch Development compromised on a Planned Unit Development and agreed there would be one dwelling for three and four acres. Krafka indicated the current developer did not approach the existing homeowners to enlist their

support for the 300-home development. He explained that the County denied a rezoning request, and when petitioned for annexation, Rapid City annexed the land to allow this development. Dean Paschke, Dreamscape Road indicated his concerns about the leap-frog development, police and fire services, the extension of water service, and the lack of a park system and bike path. Scott Sumner, attorney for Highland Park asked that everyone keep in mind that this is a Layout Plat that sets forth a general idea and is consistent with the City's future land use plan. Lew Papendick, Dreamscape Road reiterated several issues of the past. He explained that he had purchased his property it was with the understanding and covenants of one dwelling per five acres. He asked the Council to move forward with a like density rather than three homes per 120 acres. Responding to a request from Alderman Kooiker about green space and parks, it was pointed out that there is a thirty foot landscaping buffer along Sammis Trail will include trees and shrubs; and that there is a plan for a park for the benefit of the neighborhood; and that there will be sidewalks and bike path along an arterial road and throughout the development. Out of consideration for the area residents, Alderman Hadcock indicated her desire to have 2.0 dwelling units and suggested a better plan is 240 homes rather than 300 homes. Responding to a concern from Alderman Johnson about sewer services to the Highland Park Subdivision, Elkins read a portion of Stipulation #4 -- sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the applicant shall request oversizing reimbursement from the City in writing if applicable. Supplemental tap fees shall also be paid as required. Elkins indicated the plan is for them to hookup to the City's sewer system, but does not require them to connect to the City's system. She suggested the Council could add language to clarify the Council's position. At the request of Alderman Johnson, Elkins, with the aid of an overhead, pointed out the only two access points on Hwy 16 / Sammis Trail and Catron Blvd / rear road. Alderman Johnson explained that all development in this area feeds to these only two locations and suggested that there are a minimum of three collector streets that feed into one intersection. Johnson indicated his largest concern about the development of this area is transportation. Responding to a question from Alderman Chapman, Elkins indicated a traffic study associated with the WalMart site incorporated the traffic associated with the Highland Park Subdivision.

Substitute motion was made by Johnson, second by Chapman to continue No. 04PL097, a request by Dream Design International, Inc. for a **Layout Plat** on Hyland Park Subdivision to the February 6, 2006 Council meeting. Upon a roll call vote, the motion carried with the following voting AYE: Hadley, Olson, Johnson, Hadcock, and Chapman; NO: Schumacher, Okrepkie, Kroeger, and Kooiker. *(NOTE: This item is reconsidered later in the proceedings and continued to the February 13, 2006 special Council meeting.)*

The Mayor presented No. 04SV042, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit; to waive the requirement to dedicate additional right-of-way; and, to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail. Olson moved, second by Chapman and carried to continue the Variance to the February 6, 2006 Council meeting. *(NOTE: This item is reconsidered later in the proceedings and continued to the February 13, 2006 special Council meeting.)*

The Mayor presented No. 05PL129, a request by Buescher Frankenberg Associates, Inc. for Wal-Mart Stores, Inc. for a **Layout Plat** on Lots 1 through 6, Wal-Mart Second Addition Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a 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 NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a $\frac{1}{2}$ 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 NW $\frac{1}{4}$ of NW $\frac{1}{4}$ 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 SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM; Thence third course: N89°24'46"W along the east-west Section $\frac{1}{4}$ line of same Section 35, a distance of 1326.32 feet to a 5/8" rebar w/cap "4225" which is the west Section $\frac{1}{4}$ 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 $\frac{1}{4}$ 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 W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ 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. Olson moved, second by Kroeger to approve the Layout Plat with stipulations.

Substitute motion was made by Johnson, second by Chapman to continue the Layout Plat to the February 6, 2006 Council meeting. Alderman Okrepkie asked that the Council come to a conclusion as there is little relationship to the Highland Park issue. Alderman Chapman indicated that is prudent to take all these issues at one time and deal with them in total at the February 6, 2006 Council meeting. Lew Papendick, Rapid City offered support for the continuation suggesting more consideration is needed of the traffic issue in this location, as well as the west side of US 16. Brian Waala, Rapid City indicated the City needs to address the road system, the commercial issue, residential issue, and the traffic flows. He suggested this is the wrong location for a WalMart store. He reminded the members that City staff proposed a smart growth plan that was rejected. He questioned whether Rapid City has ever established a point at which the City will not expand beyond. Upon a roll call vote to continue, the following voted AYE: Hadley, Olson, Johnson, and Chapman; NO: Okrepkie, Kroeger, Hadcock, Kooiker and Schumacher. Motion failed and discussion continued.

Rick Livesey, Rapid City also indicated that this not a good location for WalMart and question whether consideration was given to traffic and environmental impact studies. Mike Mueller, Rapid City question whether a January traffic study included the peak traffic flows of the summer months. Mueller suggested that proposed traffic signals will not be seen in dense fog,

and that speeding vehicles will be a problem and will create unsafe situations with turning movements. Mueller asked for clarification on whether WalMart will pay for infrastructure costs, questioning whether the taxpayer will subsidize development. Mike Howe, Rapid City spoke of smart growth and the possibility of creating another business district on the outskirts of the City that will lead to abandonment of existing business buildings. Joe Feldman, Project Manager for Buescher Frankenberg Associates representing WalMart explained they had located a site south of Catron Blvd., and that site was in the City's Future Land Use Plan and identified for commercial development. WalMart submitted an initial concept plan three years earlier, but pulled the initial concept plan to allow the City to proceed with an amendment to the Comprehensive Land Use Plan.

At this time, the Chair recessed the proceedings at 9:54 P.M. and reconvened at 10:07 P.M.

Joe Feldman, Project Manager for Buescher Frankenberg Associates representing WalMart addressed the utilities of the site, explaining that there are existing utilities out on this site in the Hwy 16 corridor. He reported that City staff identified some problems that the City needs to take care of before the WalMart site goes forward, in particular was the sewage problem. Working with FMG Engineering, Feldman explained they funded a study to identify the problems and determine solutions to transport the sewer. Feldman indicated that HDR Engineering prepared the traffic study, as HDR is the consultant who prepared the Hwy 16 corridor study for the City.

Jason Kjenstad, HDR Engineering indicated the objective of the traffic study is to determine the traffic impacts on US 16 / Moon Meadows and then to mitigate the impacts by improving or changing the existing facilities. He explained that the capacity analysis is to determine the Level of Service (LOS) as defined in the Highway Capacity Manual for the existing 2005 traffic volumes, the 2005 build traffic volumes, and the 2020 build traffic volumes. He indicated that the attempt is to maintain a LOS "C" or better as an acceptable delay associated with intersection controls. Kjenstad explained that a LOS "A" is insignificant delays, LOS "B" is minimal delays, and LOS "C" is what the City and Department of Transportation would classify as standard, LOS "D" would be regular delays associated in urban areas, LOS "E" is extended and LOS "F" is excessive delays. Kjenstad indicated the 2005 traffic analysis, using existing traffic counts collected in January 2005 where adjusted to represent summer conditions using DOT seasonal factors. He reviewed the Level of Services (LOS) explaining that the 2005 A.M. build LOS at the intersection of US 16 / Moon Meadows / Sammis Trail is a LOS "F" – excessive delays, as is the 2005 P.M. build LOS. The main access road into the WalMart site is also a LOS "F" and the intersections on the rearage road are at a LOS "A". He explained that the findings in the analysis indicate a traffic signal is warranted at the intersection at Moon Meadows and at the WalMart main access road at Sammis Trail when the Highland Park Subdivision is developed. The intersection of US 16 / Moon Meadows / Sammis Trail Level of Service (LOS) will improve to "B" with the designated turn lanes and signal. Kjenstad indicated that in 2010 there is a distribution of the traffic because the rearage road will be in place. The traffic analysis determined that the rearage road will probably take half the loading from US 16. In response to questions from Alderman Johnson, Kjenstad explained that traffic impact study is a site specific study and outlined the years when specific roadway sections were expected to com online. In 2015 it is estimated the Highland Park road connection will extend to Spring Creek Road. In 2020, an additional section of Sammis Trail connecting to Hwy 79 is anticipated. In 2025 assumes another east / west connection to Hwy 79.

Responding to a request from Alderman Johnson, Hani Shafai, Dream Design International Shafai outlined the preliminary realignment of Sammis Trail to Moon Meadows and the costs for the rearage road going through from Sammis Trail to Catron Blvd. He indicated the road alignment includes grading of property that includes several ravines. He indicated that it is anticipated that the construction costs for the rearage road is approximately \$4 Million.

Responding to a request from Alderman Johnson, Al Foster, FMG Engineering outlined the utilities that extend from Hwy 79 along the south side of Catron Blvd. to Fifth Street explaining that this extension will continue along Catron Blvd. to the rearage road and extend south along the rearage road to serve the area to the south of Catron Blvd. He also explained that there is an existing 14" watermain on the west side of US 16 extended south from the water tower to the Forest Service building at Moon Meadows. Foster reported that the City has plans to put Well No. 12 online; a well that was drilled three to four years ago. This well improves the water supply for the US 16, Red Rocks, and the Wildwood areas. He explained that a computer analysis determines that under existing conditions, water could be delivered to satisfy the peak demand, plus fire flows at WalMart; however when the Highland Park area is added the delivery of fire flows to the WalMart area will be marginal.

Alderman Okrepkie called the question, second by Hadcock. Upon a roll call vote discussion continued with the following voting AYE: Okrepkie and Hadcock; NO: Olson, Johnson, Kroeger, Chapman, Kooiker, Schumacher and Hadley.

Lew Papendick, Rapid City expressed concern over the traffic, the rearage road, the cost of the infrastructure improvements, emergency service, and an increase in crime.

Chapman moved, second by Schumacher to continue No. 05PL129, a request by Buescher Frankenberg Associates, Inc. for Wal-Mart Stores, Inc. for a **Layout Plat** to a February 13, 2006 special Council meeting. Upon a roll call vote, the motion carried with the following voting AYE: Johnson, Chapman, Schumacher, Hadley, and Olson; NO: Okrepkie, Kroeger, Hadcock and Kooiker.

Olson moved, second by Johnson to continue the following agenda items to the February 13, 2006; 7:00 P.M. special 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 and sewer along U.S. Highway 16 and pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the existing Sammis Trail as they abut 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 NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a $\frac{1}{2}$ 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 NW $\frac{1}{4}$ of NW $\frac{1}{4}$ 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 SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM; Thence third course: N89°24'46"W along the east-west Section $\frac{1}{4}$ line of same Section 35, a distance of 1326.32 feet to a 5/8" rebar w/cap "4225" which is the west Section $\frac{1}{4}$ 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 $\frac{1}{4}$ 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. (05SV078); and

No. 05SV078 - A request by BFA, Inc. for Wal-Mart Stores, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water and additional pavement and to waive the requirement to dedicate additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code** 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. Upon a roll call vote, the motion carried with the following voting AYE: Johnson, Chapman, Schumacher, Hadley, and Olson; NO: Kroeger, Hadcock, Kooiker, and Okrepkie.

ORDINANCES & RESOLUTIONS

Ordinance No. 5126 (No. LF011106-11), Establishing Business Improvement District No. 1 by Adding Chapter 3.24 to the Rapid City Municipal Code with the deletion of Section 3.24.112 was introduced. Upon a motion made by Chapman, second by Hadcock and carried, Ordinance No. 5126 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 6, 2006 at 7:00 P.M.

Ordinance No. 5127 (No. LF011106-07), Regarding Supplemental Appropriation No. 2 for 2006 was introduced. Upon a motion made by Chapman, second by Johnson and carried, Ordinance No. 5127 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 6, 2006 at 7:00 P.M.

Ordinance No. 5128 (No. LF011106-18), Creating the Opportunity Capture Fund Oversight Board by Adding Chapter 3.32 to the Rapid City Municipal Code was introduced. Upon a motion made by Chapman, second by Olson and carried, Ordinance No. 5128 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 6, 2006 at 7:00 P.M.

Ordinance No. 5129 (No. 05RZ064), a request by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on the following parcels of land: the SW1/4 NW1/4; the northern most 210 feet of the SE1/4 SW1/4 SW1/4; the NE1/4 SW1/4 SW1/4; the northern most 870 feet of the SE1/4 SW1/4; the E1/2 NW1/4 SW1/4; the SE1/4 NE1/4 SW1/4; and the W1/2 NE1/4 SW1/4 all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington, located south of Interstate 90 and east of Elk Vale Road was introduced. Upon a motion made by Chapman, second by Hadcock and carried, Ordinance No. 5129 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 6, 2006 at 7:00 P.M.

Ordinance No. 5130 (No. 05RZ065), a request by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the following parcels of land: the SE1/4 NW1/4; the NW1/4 SE1/4; and the NE1/4 SE1/4 all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Interstate 90 and east of Elk Vale Road was introduced. Upon a motion made by Chapman, second by Hadcock and carried, Ordinance No. 5130 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 6, 2006 at 7:00 P.M.

Ordinance No. 5131 (No. 05RZ066), a request by City of Rapid City for a **Rezoning from No Use District to Medium Density Residential District** on a parcel of land described as the NE1/4 NE1/4 SW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Interstate 90 and East Elk Vale Road was introduced. Upon a motion made by Chapman, second by Olson and carried, Ordinance No. 5131 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 6, 2006 at 7:00 P.M.

Ordinance No. 5132 (No. 05RZ067), a request by City of Rapid City for a **Rezoning from No Use District to General Commercial District** on the following parcels of land: the north 200 feet of Lot 1 of Neff's Subdivision No. 3; the eastern most 440 feet and southern most 450 feet of the SW1/4 SW1/4 lying east of Lot1, Neff's Subdivision all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of East

Anamosa Street and Elk Vale Road was introduced. Upon a motion made by Chapman, second by Hadcock and carried, Ordinance No. 5132 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 6, 2006 at 7:00 P.M.

Ordinance No. 5133 (No. 05RZ068), a request by City of Rapid City for a **Rezoning from No Use District to Office Commercial District** on the following parcels of land: the southern most 450 feet of the SE1/4 SW1/4; the W1/2 NW1/4 SW1/4; and the NW1/4 SW1/4 SW1/4 all located in Section 34, T2N, R8E; and the north 670 feet of the NE1/4 NW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of East Anamosa Street and Elk Vale Road was introduced. Upon a motion made by Chapman, second by Hadcock and carried, Ordinance No. 5133 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 6, 2006 at 7:00 P.M.

Ordinance No. 5134 (No. 05RZ069), a request by Boschee Engineering for a **Rezoning from Low Density Residential District to General Commercial District** on a parcel of land located in a portion of the NW1/4 SW1/4, lying south of Catron Boulevard, in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the northeast corner of said NW1/4 SW1/4, Thence S26°10'06"W, 609.71 feet to the true point of beginning, said point is lying on the south right-of-way line of Catron Boulevard; Thence departing said south right-of-way line, S25°54'04"W, 195.40 feet; Thence N70°48'41"W, 292.78 feet to a point lying on the easterly right-of-way line of Bendt Drive as shown on the final plat of Stoney Creek South Subdivision; said point is also lying on a curve concave to the southeast and whose chord bears N44°11'25"E, 11.07 feet; Thence northerly along the arc of said curve to the right whose radius is 174.00 feet; and whose delta angle is 03°38'45", an arc distance of 11.07 feet to a point of reversed curvature; Thence continuing northerly along said easterly right-of-way line of Bendt Drive the following two courses; Thence northerly along the arc of said curve to the left whose radius is 226.00 feet, and whose delta angle is 33°41'44", an arc distance of 132.91 feet to a point of tangency; Thence N12°19'03"E, 57.83 feet to a point lying on the southerly right-of-way line of Catron Boulevard; Said point is also lying on a curve concave to the southwest and whose chord bears S70°20'35"E, 295.17 feet; Thence southeasterly along said right-of-way line and along the arc of said curve to the right whose radius is 1356.92 feet, and whose delta angle is 12°29'18", an arc distance of 295.76 feet to the true point of beginning, containing 1.302 acres more or less., legally described as the unplatted balance of the N1/2 NW1/4 SW1/4; and a portion of the S1/2 NW1/4 SW1/4, less Stoney Creek South Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of the intersection of Catron Boulevard and Bendt Drive was introduced. Upon a motion made by Chapman, second by Olson and carried, Ordinance No. 5134 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 6, 2006 at 7:00 P.M.

The Mayor announced the meeting was open for hearing on No. 04RZ037, second reading of **Ordinance No. 4079**, a request by Dream Design International, Inc. for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in the W1/2 SE1/4 and the SE1/4SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail. Chapman moved, second by Olson to approve. Substitute motion was made by Johnson, second by Olson to continue second reading to the February 13, 2006; 7:00 P.M. special Council meeting. Motion carried with Kroeger voting NO.

The Mayor announced the meeting was open for hearing on No. 05RZ061, second reading of **Ordinance No. 5123**, a request by Larry Nelson for a **Rezoning from Low Density Residential District to Medium Density Residential District** on all of Block 55, except the S81/2 feet of Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 222 Doolittle Street. Notice of hearing was published in the Rapid City Journal on January 7, 2006 and January 14, 2006. Ordinance No. 5123 have had the first reading on January 3, 2006, it was moved by Chapman, second by Olson and carried to deny without prejudice.

The Mayor announced the meeting was open for hearing on No. 05RZ062, second reading of **Ordinance No. 5124**, a request by Dream Design International for a **Rezoning from General Agriculture District to Low Density Residential District** on Lots 1-18 of Block 1; Lots 1-21 of Block 2; Lots 1-16 of Block 3; Lots 1-7 of Block 4; the Dedicated Right-of-Way and a portion of the E1/2 of the NE1/4 all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of Parkview Drive and Enchanted Pines Drive. Notice of hearing was published in the Rapid City Journal on January 7, 2006 and January 14, 2006. Ordinance No. 5124 have had the first reading on January 3, 2006, 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, Chapman, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5124 the second time.

The Mayor announced the meeting was open for hearing on No. 05RZ063, second reading of **Ordinance No. 5125**, a request by Baffuto Architectura for Destiny Foursquare Church for a **Rezoning from Light Industrial District to General Commercial District** on Lots 1 and 2 of Buckingham Addition all located in the N1/2 of the NW1/4 of the SE1/4 of the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 901 and 927 East Philadelphia Street. Notice of hearing was published in the Rapid City Journal on January 7, 2006 and January 14, 2006. Ordinance No. 5125 have had the first reading on January 3, 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, Chapman, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5125 the second time.

CONTINUED ITEMS CONSENT CALENDAR – Items 35-51

The following items were removed the Continued Consent Calendar:

40. No. 05PL243 - A request by D.C. Scott Co. Land Surveyors for Leslie P. and Sharon L. Potts for a **Preliminary Plat** on Lot 1R of Lot 9 of Pleasant View Subdivision, (formerly Lots 1 and 2 of Lot 9 of Pleasant View Subdivision) located in the SE1/4 SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lots 1 and 2 of Lot 9 of Pleasant View Subdivision, located in the SE1/4 SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located at 3020 Crane Drive.
41. No. 05RZ047 - 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 NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a $\frac{1}{2}$ 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 NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, a $\frac{5}{8}$ " 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 $\frac{5}{8}$ " rebar w/cap "4225", which is the southeast corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM; Thence third course: N89°24'46"W along the east-west Section $\frac{1}{4}$ line of same Section 35, a distance of 1326.32 feet to a $\frac{5}{8}$ " rebar w/cap "4225" which is the west Section $\frac{1}{4}$ 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 $\frac{1}{4}$ line of Section 34, T1N, R7E, BHM to a $\frac{5}{8}$ " 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 $\frac{5}{8}$ " 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 $\frac{5}{8}$ " 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 $\frac{5}{8}$ " 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 W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ 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.

46. No. 05SV084 - A request by Wyss Associates, Inc. for Canyon Springs, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on the balance of the N1/2 NW1/4, Section 26; a portion of the E1/2 SE1/4, Section 22; and a portion of the SW1/4 less Fire House Subdivision, less Lot H1 of the SE1/4 SW1/4 and less lot H2 all located in Section 23, T2N, R6E, BHM, Pennington County, South Dakota, located at 8885 Nemo Road.
47. No. 05SV085 - A request by D.C. Scott Co. Land Surveyors for Leslie P. and Sharon L. Potts for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Crane Drive and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to dedicate Right-of-Way along the private access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Lot 9 of Pleasant View Subdivision, located in the SE1/4 SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located at 3020 Crane Drive.
- 47.A. Authorize the Mayor and Finance Officer to sign a waiver of right to protest a future assessment for street improvements on Lots 1 and 2 of Lot 9 of Pleasant View

Subdivision, located in the SE1/4SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

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

Continue the following items until February 6, 2006:

35. 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 north side of South Plaza Drive at juncture with Plaza Boulevard.
36. 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.
37. 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.
38. 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.
39. No. 05PL241 - A request by FMG Engineering for West River Elect for a **Preliminary Plat** on Lots 1 and 2 of West River Electric Association Subdivision, located in the NW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the Plat of Lot 1 and Lot 2 of West River Electric Association Subdivision and dedicated public Right-of-Way shown as Twilight Drive (formerly Lot 1 less Lot H1, Lots 2 and 3, Lot 4 less Lot H1, Lot 6 less Lot H1, Lots 7 and 8, and Lot 9 less Lot H1, all of Block 1 of Johnson School Subdivision; Lot 1 less Lot H1, Lot 2, and Lot 3 less Lot H1, all of Block 2 of Johnson School Subdivision; Lot A less Lot H1 of the NE1/4 NW1/4 of Johnson School Subdivision; Lot A less Lot H1, and Lots B and C, all of the NW1/4 NE1/4 of Johnson School Subdivision; Rapid Valley School District No. 4 Lot of the NW1/4 NE1/4; vacated School Drive Right-of-Way (Lot "RS"); Lots A and B of Lot 1 of Lot D, and Lot 2 of Lot D, all of the NW1/4 NE1/4 located in the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, and the NW1/4 NE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road and north of Highway 44 and west of Twilight Drive.

42. 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.
43. 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.
44. No. 05SV081 - A request by Russell Johnson for Sandra Kadis for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along Strato Rim Road, Aeronauts Way and the access and utility easements as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 5 and 7 of Strato Rim Estates Subdivision, all located in Government Lots 3 and 4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota, located at 23645 Strato Rim Drive and 13600 Aeronauts Way.
45. No. 05SV083 - A request by FMG Engineering for West River Electric Assn. 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 Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code** on a tract of land located in the NE1/4 of NW1/4 of Section 9, T1N, R8E, BHM, and in the NW1/4 of NE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with 2" survey cap marked "D.O.T." marking the southwest corner of Lot A Less Lot H1 of NE1/4 of NW1/4 of Johnson School Subdivision, in the NE1/4 of NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, Thence N29°28'44"E a distance of 172.23', more or less, to a point, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the east right of way line of Elk Vale Road; Thence N69°32'35"E a distance of 106.73', more or less, to a point, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the east right of way line of Elk Vale Road; Thence N18°20'21"E a distance of 174.21', more or less, to a point, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the east right of way line of Elk Vale Road; Thence N29°29'52"E a distance of 615.05', more or less, to a point on the section line between Section 9, T1N, R8E, BHM and Section 4, T1N, R8E, BHM, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the northwest corner of Lot 3 Less Lot H1 of Block 2 of Johnson School Subdivision; Thence N89°48'18"E a distance of 382.99', more or less, to a point on the section line between Section 9, T1N, R8E, BHM and Section 4, T1N, R8E, BHM; Thence southwesterly on a curve to the left

with a radius of 167.85' and an arc length of 267.88', with a chord bearing S27°52'22"W and a distance of 240.34', more or less, to a point; Thence S28°46'44"E a distance of 62.63', more or less, to a point; Thence southwesterly on a curve to the right with a radius of 149.97' and an arc length of 104.99', with a chord bearing S01°28'08"W a distance of 102.86', more or less, to a point; Thence S21°31'29"W a distance of 222.14', more or less, to a point; Thence S24°42'12"W a distance of 40.23', more or less, to a point; Thence S71°23'31"E a distance of 12.58', more or less, to a point; Thence S21°23'15"W a distance of 153.47', more or less, to a point; Thence S21°18'43"W a distance of 106.02', more or less, to a point; Thence S21°18'54"W a distance of 66.04', more or less, to a point; Thence S21°25'00"W a distance of 388.69', more or less, to a point; Thence N51°26'00"W a distance of 255.41', more or less, to a point, said point being a 5/8" rebar marking the southwest corner of Lot 2 of Lot D of the NW1/4 of the NE1/4 of Section 9, T1N, R8E, BHM; Thence N51°27'40"W a distance of 128.62', more or less, to a point, said point being a 1/2" rebar marking the southwest corner of Lot B of Lot 1 of Lot D of the NW1/4 of the NE1/4 of Section 9, T1N, R8E, BHM; Thence N51°23'47"W a distance of 95.89', more or less, to a point, said point being a 1" pipe marking the southwest corner of Lot A of Lot 1 of Lot D of the NW1/4 of the NE1/4 of Section 9, T1N, R8E, BHM; Thence N51°33'53"W a distance of 151.26', more or less, to the point of beginning. Said area includes 12.988 acres, more or less, located east of Elk Vale Road and north of Highway 44 and west of Twilight Drive.

48. No. 05TI014A - Rushmore Crossing – A request by Dream Design International, Inc. to consider an application for a **Tax Increment District No. 56 - Project Plan** on that portion of the Interstate 90 right-of-way lying in the SE1/4 NE1/4 and in the NE1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Interstate 90 right-of-way located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Interstate 90 right-of-way located in the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract F, Marshall Heights Subdivision No. 2 and the Interstate 90 right-of-way lying south of and adjacent to Tract F, Marshall Heights Subdivision No. 2, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the East Disk Drive right-of-way lying east of North LaCrosse Street located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot K-4 less Lot H-1, Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2 and the south ½ of the vacated alley and Pine Street right-of-way adjacent to said lots, Block 2, Rapps Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Farnwood Avenue right-of-way, entire Spruce Street right-of-way, and entire Rapp Street right-of-way all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the North LaCrosse Street right-of-way lying adjacent to Lot K-4 of Marshall Heights Tract and Lot 1 of Bedco Subdivision and including the entire intersection of North LaCrosse Street and Rapp Street, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 located in N1/2 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Unplatted portion of the N1/2 SE1/4 lying south of Interstate 90, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2, Bedco Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, SE1/4 SE1/4 lying north of the railroad right-of-

way and the unplatted portion of the SW1/4 SE1/4 all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the S1/2 lying south of Interstate 90 and north of the railroad right-of-way, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the NE1/4 NW1/4 and N1/2 NE1/4 lying north of the railroad right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the Dyess Avenue right-of-way lying in the S1/2 SW1/4 and the entire intersection of Dyess Avenue and Eglin Street all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of LaCrosse Street and west of East Boulevard and south of Interstate 90

Continue the following items until February 20, 2006:

49. 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.
50. 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 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.
51. 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.

End of Continued Items Consent Calendar

The Mayor presented No. 05PL243, a request by D.C. Scott Co. Land Surveyors for Leslie P. and Sharon L. Potts for a **Preliminary Plat** on Lot 1R of Lot 9 of Pleasant View Subdivision, (formerly Lots 1 and 2 of Lot 9 of Pleasant View Subdivision) located in the SE1/4 SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lots 1 and 2 of Lot 9 of Pleasant View Subdivision, located in the SE1/4 SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located at 3020 Crane Drive. Okrepkie moved, second by Kroeger and carried to approve the Preliminary Plat with the revised stipulation that upon submittal of a Final Plat.

The Mayor presented No. 05RZ047, 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 NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a $\frac{1}{2}$ 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 NW $\frac{1}{4}$ of NW $\frac{1}{4}$ 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 SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM; Thence third course: N89°24'46"W along the east-west Section $\frac{1}{4}$ line of same Section 35, a distance of 1326.32 feet to a 5/8" rebar w/cap "4225" which is the west Section $\frac{1}{4}$ 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 $\frac{1}{4}$ 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 W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ 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. Chapman moved, second by Olson to continue the rezone to the February 13, 2006; 7:00 P.M. special Council meeting. Substitute motion was made by Kooiker, second by Okrepkie and carried to continue the rezone to the February 6, 2006 Council meeting.

The Mayor presented No. 05SV084, a request by Wyss Associates, Inc. for Canyon Springs, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on the balance of the N1/2 NW1/4, Section 26; a portion of the E1/2 SE1/4, Section 22; and a portion of the SW1/4 less Fire House Subdivision, less Lot H1 of the SE1/4 SW1/4 and less lot H2 all located in Section 23, T2N, R6E, BHM, Pennington County, South Dakota, located at 8885 Nemo Road. Mike Stanley, Wyss Associates asked to discuss the requirement of additional pavement and on-street parking. Stanley explained that the lane placed roads will be built to 24' wide. He also explained that a portion of the property is in the City's platting jurisdiction. Stanley requested they be allowed to build a sub-collector street 24' wide rather than the required 27' wide; and without the additional on-street parking. He indicated that on-street parking may be a problem because of the 12% grades in the development. Hadcock moved, second by Olson and carried to support the elimination of the on-street parking with the provision of the twenty-seven foot (27') wide pavement; and approve the Variance with the following stipulations: Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Nemo Road 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. That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer along Spur 1-A and 2-F 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. That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and sewer along Mainline 1, Spur 1-B, Spur 1-C, Spur 1-D, Spur 1-E, Spur 1-F, Spur 1-G, Spur 1-H, Spur 1-J, Spur 1-K, and Spur 1-L be approved with the following stipulations: 1. Upon submittal of a Preliminary Plat application, the applicant shall submit construction plans showing a minimum five foot wide pedestrian walk-way throughout the development; and, 2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements. That the Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Mainline 1 and Spur 1-A be denied; and, That the Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Spur 1-G, Spur 1-L and Spur 2-F be tabled at the applicant's request.

The Mayor presented No. 05SV085, a request by D.C. Scott Co. Land Surveyors for Leslie P. and Sharon L. Potts for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Crane Drive and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to dedicate Right-of-Way along the private access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Lot 9 of Pleasant View Subdivision, located in the SE1/4 SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located at 3020 Crane Drive. Kroeger moved, second by Chapman and carried to approve the Variance.

Johnson moved, second by Okrepkie and carried to Authorize the Mayor and Finance Officer to sign a waiver of right to protest a future assessment for street improvements on Lots 1 and 2 of Lot 9 of Pleasant View Subdivision, located in the SE1/4 SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota.

CONSENT CALENDAR ITEMS – 52-108

The following items were removed from the Consent Calendar:

- 54. No. PW011006-18 Acknowledge the report on Handicap parking issues at the Ice Arena and Roosevelt Swimming Pool.
- 88. No. LF011106-15 Set a special Council meeting for February 2, 2006, at 7:00 p.m. regarding a briefing from the Safe Drinking Water Committee and to invite the County Commissioners to attend this meeting.

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

Set for Hearing (February 20, 2006)

- 52. No. 05VR015 - A request by Peter Hendricksen for a **Vacation of Right-of-Way** on the 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.

Public Works Committee Consent Items

53. No. PW011006-01 Acknowledge the report on Sure Pay Deduction program for residential utility users.
55. Request Public Works staff to research options for a promotional period to offer free compost at the landfill using the City utility bill and bring forward a report to the February Informational Meeting.
56. Refer a request for consideration of amendment(s) to Ordinance 17.54.030 and other City policies to add a distance buffer for casinos locating near residentially zoned areas to the next Planning Commission meeting; and ask the Planning Commission to provide an ordinance amendment recommendation to the Legal and Finance Committee meeting.
57. No. PW011006-02 Acknowledge the report on the update on Stormwater Phase II Program.
58. Acknowledge the report on the pavement condition at 6th Street and Hillcrest Drive.
59. No. PW011006-04 Authorize the Mayor and Finance Officer to sign the Alfalfa/Hay Harvest Contract with Mr. Steve Becher, noting a correction in the amount of \$12,101.00 for 2005; and approving the contract extension for 2006 and 2007 in the amount of \$18,001.00.
60. Refer the discussion of the landfill issues from the January, 2006 Information Meeting to the February Information Meeting.
61. Place a code enforcement presentation on the March Information Meeting agenda.
62. No. PW011006-05 Authorize staff to advertise for bids for Downtown Alley Resurfacing 2006 Concrete Milling and Asphalt Overlay Project No. ST06-1538; CIP No. 50379.
63. No. PW011006-06 Authorize staff to advertise for bids for Block 8 Alley Paving – West Boulevard Addition Project No. ST03-1330; CIP No. 50595.
64. No. PW011006-07 Authorize staff to advertise for bids for Sedivy Lane Reconstruction Project No. ST04-1063; CIP No. 50125.
65. No. PW011006-08 Authorize the Mayor and Finance Officer to sign a Maintenance and Financial Agreement with the South Dakota Department of Transportation for Traffic Signals & Roadway Lighting Project No. NH 0235(01)0, PCN 3151, along SD44 including St. Patrick Street, ramps for Southeast Connector (Elk Vale Road) and Jolly Lane, and along US16B including Homestead, Cheyenne and US16B and SD79 interchange
66. No. PW011006-09 Authorize the Mayor and Finance Officer to sign a Covenant Agreement with By Pass Development, LLC for payment of adjacent landowner's share of construction costs for Phase I of the Northeast Area Sanitary Sewer Interceptor Project.
67. No. PW011006-10 Authorize the Mayor and Finance Officer to sign a Professional Services Agreement with Envision Design, Inc. for the design of the Civic Center Expansion Project No. IDP06-1555 for an amount not to exceed \$1,054,834.00.
68. No. PW011006-11 Authorize the Mayor and the Finance Officer to sign an Agreement with Broadmoor Homeowners Association allowing the Broadmoor Homeowners Association to house their irrigation equipment in the Broadmoor Booster Station building located on Lot 38 of Broadmoor Subdivision Phase 1 until such time the City requires use of the building.
69. No. PW011006-12 Authorize staff to seek Proposals for Engineering Services for Project W03-1248 CIP #50371 Highway 44 and Elk Vale Watermain Loop.

- 70. No. PW011006-13 Approve abandoning temporary easements for South Dakota Department of Transportation Project No. P 1669(07) PCEMS 295R, Haines Avenue from Howard Street to Disk Drive
- 71. No. PW011006-14 Approve abandoning temporary easements for South Dakota Department of Transportation Project No. P-BRF 1746(2), PCEMS 4338, Canyon Lake Drive over Rapid Creek
- 72. No. PW011006-15 Approve abandoning temporary easements for South Dakota Department of Transportation Project No. P 1669(42), PCEMS 5191, 5th Street from Columbus to Omaha Street
- 73. No. PW011006-16 Acknowledge the report on the RapidRide trolley options.
- 74. No. 05VE024 - Approve with stipulations a Vacation of Utility Easement for petitioner Dream Design International, Inc. on Lots 25 and 26 of Block 3 of Red Rock Meadows Subdivision, all located in the SW1/4 of the NW1/4 of Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest of the intersection of Sahalee Drive and Portrush Drive.

RESOLUTION OF VACATION
OF UTILIY EASEMENT

WHEREAS it appears that a portion of the utility easement on Lots 25 and 26 of Block 3 of Red Rock Meadows Subdivision, all located in the SW1/4 of the NW1/4 of Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest of the intersection of Sahalee Drive and Portrush Drive; and

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

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the portion of the utility easement heretofore described, and as shown on Exhibit "A", attached hereto, is not needed for public purpose; and is hereby vacated.

Dated this 16th day of January, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 75. No. 06TP001 Approve a resolution authorizing submittal of an application for grant funding for Transportation Enhancements for "Fairgrounds Bike Path Improvement Project", to authorize the appropriate signatures on the grant application, and authorize the submittal of the grant application.

A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR
GRANT FUNDING FOR TRANSPORTATION ENHANCEMENTS FOR THE
"FAIRGROUNDS BIKE PATH IMPROVEMENT PROJECT"

WHEREAS the Federal Transportation Bill, the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) contains provisions for funding the Transportation Enhancement Program; and

WHEREAS SAFETEA-LU provides for the distribution of funds to local governments for Transportation Enhancements; and

WHEREAS the South Dakota Department of Transportation is accepting applications for Transportation Enhancement funding until February 1, 2006; and

WHEREAS local governments must provide a minimum match of 18.05% of the total project cost and the City of Rapid City hereby agrees to provide matching funds in the amount of \$30,000 towards the total cost of \$166,000 for the Fairgrounds Bike Path Improvement Project; and

WHEREAS the City of Rapid City supports the Fairgrounds Bike Path Improvement Project which will enhance the function of the Rapid Creek Bike Path by completing a discontinuous section at this location. The completion of this section will allow bicycle and pedestrian traffic a safe and uninterrupted flow through the fairgrounds and a seamless connection to the remainder of the Rapid Creek Bike Path System.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Common Council does hereby authorize the submittal of an application for funding for the project listed below:

PROJECT NAME	REQUESTED GRANT AMOUNT	CITY'S SHARE
Fairgrounds Bike Path Improvement Project	\$136,000	\$30,000

Source of Matching Funds: City of Rapid City

BE IT FURTHER RESOLVED that the City of Rapid City hereby agrees to insure that the project complies with all local zoning and planning regulations; and

BE IT FURTHER RESOLVED that the City of Rapid City hereby agrees to provide proper maintenance for the Fairgrounds Bike Path Improvement Project as required by the Federal Highway Act as amended and supplemented thereto.

Dated this 16th day of January, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 76. Acknowledge the request by Finance Officer Preston to serve as the Local Board of Equalization.

Legal & Finance Committee Consent Items

77. No. LF110205-01 Refer a request from Curtis McDonald / Dream Design International for additional funding for Rushmore Crossing back to the \$0.16 Development Committee for discussion and recommendation.
78. Direct the Finance Office and Council leadership to work with the theatre group (Rapid City Arts Council and Performing Arts Coalition) and bring forward a proposal for the preliminary design and conception at the Central High School location.
79. Request the Dahl to present to the Legal and Finance Committee their vision for the Dahl expansion and upgrades regarding additional space and addressing the MDU site.
80. Request staff to obtain an appraisal on the ½ acre proposal, the 1 and ½ acre proposal, and the entire parcel of the city-owned property on Highway 44 adjacent to the BankWest property (Wally Byum property) and to request the appraiser to set forth how each of these divisions of property would affect the overall value.
81. No. LF011106-01 Approve appointment of Jim Mann and James Morris and to renew the appointment of Tim Madsen to the Trenching Board each for a two-year term, effective January 1, 2006.
82. No. LF011106-17 Approve Travel Request for Mayor Shaw, Jim Preston, Jason Green, Tracy Davis, Greta Chapman, Connie Ewing, Sam Kooiker, and Mike Schumacher to attend Municipal Government Day at the Legislature on January 31-February 1, 2006, in an approximate amount of \$1,558.
83. Request the Mayor to bring forward names for a board regarding the POW WOW Gardens project.
84. No. LF011106-02 Authorize Mayor and Finance Officer to sign Medical Director's Agreement with Dr. Manning.
85. No. LF011106-19 Approve Travel Request for Bill Knight, Tim Behlings, and Jack Tomac to attend International Code Training in Denver, Colorado, March 5-10, 2006, in an approximate amount of \$2,500.
86. No. LF011106-03 Approve Travel Request for Terri Davis and Greta Chapman to attend Public Library Association Bi-Annual Conference in Boston, MA, from March 18-25, 2006, in an approximate amount of \$3,108.72.
87. No. LF121405-11 Continue discussion of the proposed revisions to the Tax Increment Finance Policy to the February 1, 2006 Legal & Finance Committee meeting; and request the Planning Commission to discuss developer agreement timing issues.
89. No. LF011106-20 Acknowledge report on streaming audio.
90. Acknowledge report on audio problems with meeting recordings.
91. No. LF011106-05 Authorize Mayor and Finance Officer to sign Agreement for the State to provide \$28,425 to the City to match Federal Transit Administration Grant Funds to operate the bus system.
92. No. LF011106-06 Approve Resolution Establishing Encumbrances.

RESOLUTION ESTABLISHING ENCUMBRANCES

WHEREAS there are existing bills due and payable relating to Calendar Year 2005 operations of the City of Rapid City totaling \$2,122,201.86, and

WHEREAS it is desirable that these bills be charged to the 2005 appropriation;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Rapid City does hereby request that the Rapid City Finance Officer encumber appropriate balances of December 31, 2005, in the amount of \$2,122,201.86.

GENERAL FUND 0101

0101	MAYOR & COUNCIL	4,295.66	
0104	FINANCE	30,047.88	
0105	GIS MAPPING	2,445.36	
0106	ATTORNEY	5,253.18	
0108	PUBLIC WORKS ADMINISTRATION	20,032.70	
0109	GENERAL GOVERNMENT BUILDINGS	18,316.87	
0111	HUMAN RESOURCES	4,015.17	
0199	DISPATCH CENTER	60,103.41	
0201	POLICE	142,635.01	
0202	FIRE	90,260.03	
0203	CORRECTIONS	1,666.66	
0301	STREETS & HIGHWAYS	115,209.98	
0501	DETOXIFICATION CENTER	29,863.16	
0601	RECREATION	3,195.96	
0603	ICE ARENA	7,193.21	
0607	PARK DEPARTMENT	25,037.22	
0609	LIBRARY	18,534.71	
0610	LIBRARY RURAL	2,817.07	
0612	SWIMMING POOL	6,819.79	
0618	PUBLIC TRANSPORTATION	11,529.13	
0620	PARK & RECREATION ADMINISTRATN	1,825.79	
0705	GROWTH MANAGEMENT	27,410.40	
0706	TRANSPORTATION PLANNING	32,375.93	
0707	HISTORIC PRESERVATION	0.11	
0708	AIR QUALITY	881.26	
0711	CODE ENFORCEMENT	1,107.87	
0712	WEED & SEED GRANT	633.00	
0713	SIGN CODE ENFORCEMENT	853.78	
9206	JUVENILE ACCOUNTABILITY GRANT	749.18	665,109.48

2012 FUND 0107

0123	VISITOR INFORMATION CTR (2012)	40,000.00	
0126	INFRASTRUCTURE IMPROVEMENTS	18,799.92	58,799.92

TID 39 ANAMOSA (PRIVATE) 0492

9999	NOT APPLICABLE		3,007.88
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TID 40 GANDOLF (PRIVATE) 0493

9999	NOT APPLICABLE		4,008.09
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AIRPORT CONSTRUCTION FUND 0501

0903	AIRPORT CONSTRUCTION		62,756.41
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NEW MARKETS INITIATIVE 0503

0902 NEW MARKETS INITIATIVE		13,868.18
CONSOLIDATED CONSTRUCTN FUND 0505		
0910 CONSOLIDATED CONSTRUCTION		190,768.43
WATER ENTERPRISE FUND 0602		
0810 WATER OPERATIONS	35,328.05	
0933 WATER RPLACEMENT & IMPROVEMNT	198,155.38	
0934 WATER EXPANSION PROJECTS	<u>33,733.26</u>	267,216.69
WASTEWATER ENTERPRISE FUND 0604		
0830 WASTEWATER OPERATIONS	31,387.05	
0833 WASTEWATER REPLCEMT & IMPRVMNT	31,061.17	
0834 WASTEWATER EXPANSION PROJECTS	<u>16,186.99</u>	78,635.21
AIRPORT ENTERPRISE FUND 0606		
0850 AIRPORT OPERATIONS		69,185.64
CEMETERY ENTERPRISE FUND 0607		
0860 CEMETERY		2,010.73
TRANSPORTATION CENTER FUND 0608		
0840 TRANSPORTATION TERMINAL		639.36
PARKING LOT & AREA FUND 0610		
0870 PARKING LOT & AREA		1,977.72
SOLID WASTE ENTERPRISE FUND 0612		
7101 WASTE COLLECTION		7,914.04
GOLF ENTERPRISE FUND 0613		
0604 GOLF ENTERPRISE		3,511.88
EXECUTIVE GOLF COURSE FUND 0614		
0605 EXECUTIVE GOLF OPERATIONS	658.11	
0606 LACROIX LINKS GOLF COURSE	<u>52.37</u>	710.48
SOLID WASTE DISPOSAL FUND 0615		
7102 WASTE DISPOSAL		34,764.61
SOLID WASTE/MRF COMPOST FUND 0616		
7103 SOLID WASTE MRF/COMPOST FUND		28,721.85
AMBULANCE ENTERPRISE 0618		
0890 AMBULANCE ENTERPRISE		22,364.42
PAYROLL WITHHOLDING FUND 0702		
0922 PAYROLL WITHHOLDING		271,871.87

CIVIC CENTER ENTERPRISE FUND 0775		
0911 CIVIC CENTER CONCESSION	1,215.81	
0913 CIVIC CENTER OPERATIONS	18,125.97	
0917 CIVIC CENTER TICKET OFFICE	<u>1,456.46</u>	20,798.24
ENERGY PLANT REVOLVING FUND 0777		
0914 ENERGY PLANT		25,674.31
PASSENGER FACILITY CHARGE #2 0782		
0939 PASSENGER FACILITY CHARGE #2		248,422.00
TID 35 CHILDRENS HOME SOCIETY 0788		
0962 TID 35 CHILDRENS HOME SOCIETY		2,012.71
GROUP INSURANCE FUND 0789		
0963 GROUP INSURANCE		36,651.91
DENTAL INSURANCE FUND 0790		
0964 DENTAL INSURANCE		774.80
WORKERS' COMPENSATION FUND 0792		
0967 WORKERS' COMPENSATION		25.00
*** GRAND TOTAL ***		<u>2,122,201.86</u>

AND BE IT FURTHER RESOLVED that this Resolution is necessary for the immediate preservation of the public peace, health, safety and support of the municipal government and its existing public institutions, and shall take effect upon the passage and publication thereof.

Dated this 16th day of January, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 93. No. LF011106-08 Authorize Mayor and Finance Officer to sign Service Provider Agreement (Weed and Seed Funding) with Volunteers of America, Dakota.
- 94. No. LF011106-09 Authorize Mayor and Finance Officer to sign Professional Services Agreement with Occupational Health Network, Inc.
- 95. No. LF011106-10 Approve Resolution Declaring Property Surplus for Fire & 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:

Fire & Emergency Services

2003 Ford E450 with Medtec FD160 - Medic 2 - 1FDXE45F23HA06369

2003 Ford E450 with Medtec FD160 - Medic 3 - 1FDXE45F43HA31323

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 16th day of January, 2006.

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

- 96. No. LF011106-14 Authorize staff to apply for community tree planting funds.
- 97. No. LF113005-17 Request the Mayor to bring forward appointments for the expired seats on the DARB board.
- 98. No. LF011106-12 Authorize Mayor and Finance Officer to sign Lease Agreement between Rapid City Arts Council, Inc. and the City of Rapid City.
- 99. No. LF011106-13 Acknowledge raffle request from Crazy Horse Memorial to hold raffle.
- 100. No. LF011106-16 Approve the following abatements: Big D Oil Co. - \$1,126.60; Maia S. Borscheid - \$739.24; Betty M. Iverson - \$417.62; Kids Kastle West - \$3,756.66; Jerry Lahr, Trustees - \$363.02; Legacy Land Co. - \$5,219.48; Wesley Scholl - \$392.98; Emily C. Sims - \$1,017.32; Teton Coalition Inc. - \$221.86; Gary Van Zee - \$425.10.
- 101. Approve the following licenses: Second Hand: Furniture Mart, Susan R Sorbel; Game Exchange, Jacaline K Sales; Scheel's All Sports, Karen Jones; Sound Bytes Music, Thomas Anderson; Willy's Saw Shop, Douglas Williams; Security Business: Aramark Facility Services, Michael D Gebeke; Black Watch, Inc, Ryan R Schuler; Mountain States Security, Inc., Karen Kierstead; S & K Security Specialists, Inc, Steven L. Dary.

Growth Management Department Consent Items

- 102. No. 04AN009 - A request by Dream Design International, Inc. for a **Petition for Annexation** on the W1/2 SE1/4 and SE1/4 SE1/4 and N1/2 NW1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail. (APPROVE PETITION FOR ANNEXATION contingent on any payment due to the Whispering Pines Fire District.)

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

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

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 130 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

W1/2 SE1/4 and SE1/4 SE1/4 and N1/2 NE1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota

Dated this 16th day of January, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 103. No. 04AN010 - A request by Dream Design International Inc. for a **Petition for Annexation** on the S1/2 NE1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail. (APPROVE PETITION FOR ANNEXATION contingent on the annexation of the adjacent property located north of the subject property and on any payment due to the Whispering Pines Fire District.)

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

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

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 20 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

S1/2 NE1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota

Dated this 16th day of January, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

104. No. 05PL177 - A request by Sperlich Consulting, Inc. for Triple Z Real Estate Development, LLLP for a **Preliminary Plat** on Lots 8 through 12, Block 8; Lots 5 through 9; Lots 17 through 23, Block 10; Lots 13 through 18, Block 11; and Lots 5 through 10, Block 13, Elks Country Estates, Tract 1, E1/2, Section 16, T1N, R8E, BHM, located in the SE1/4 SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1, E1/2, Section 16, T1N, R8E, BHM, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the north and south sides of the intersection of Jolly Lane and Padre Drive and adjacent to Forest Oaks Court. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; 2. Prior to Preliminary Plat approval by the City Council, geotechnical information for the pavement design shall be submitted for review and approval; 3. Prior to Preliminary Plat approval by the City Council, the applicant shall submit water calculations demonstrating that adequate fire and domestic flows are being provided. In addition, the applicant shall provide soil corrosivity and resistivity information along with a request to the Public Works Department for approval of joint restraints; 4. Prior to Preliminary Plat approval by the City Council, documentation demonstrating that adequate capacity of the lift station and sanitary sewer main(s) exist for the proposed development; 5. Prior to Preliminary Plat approval by the City Council, the construction plans for Jolly Lane shall be revised to provide a standard curb and gutter in lieu of a roll curb or an Exception to the Street Design Criteria Manual shall be obtained; 6. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the installation of all required underground electrical facilities in conjunction with new street lights as per Chapter 16.06.085 of the Subdivision Regulations or a Variance to the Subdivision Regulations shall be obtained; 7. Prior to Preliminary Plat approval by the City Council, the grading plan shall be revised and submitted for review and approval addressing the Cyclone Irrigation Ditch. In particular, the grading plan shall demonstrate that grading around the irrigation ditch does not alter the flow of the ditch. The revised grading plan shall also demonstrate that the driveway slopes are within the maximum allowed slope(s) as per the International Fire Code and the Street Design Criteria Manual of 10% and 16%, respectively, or an Exception to the International Fire Code and the Street Design Criteria Manual shall be obtained; 8. Prior to Preliminary Plat approval by the City Council, the applicant shall identify a building envelope on proposed Lot 6. In addition, the applicant shall demonstrate access to the building site across the Cyclone Irrigation Ditch and revise the Preliminary Plat accordingly if needed; 9. Prior to

Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 10. Prior to Preliminary Plat approval by the City Council, drainage information shall be submitted for review and approval. In particular, the drainage plan shall insure that calculations are provided for the sizing of riprap, storm sewer, street flows, etc. in accordance with the Drainage Criteria Manual. If the Cyclone Irrigation Ditch is used for stormwater, it shall meet all requirements of Section 11 of the Drainage Criteria Manual providing drainage calculations and information as needed. The applicant shall also submit written approval from the Cyclone Ditch owner(s) to use the ditch. In addition, the plat document shall be revised to provide drainage easements as needed; 11. An Exception to allow 355 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual is hereby granted with the stipulation that prior to submittal of a Final Plat application, a contract shall be awarded for the construction of a street connection to the Southeast Connector and surety posted for the improvement; 12. Prior to submittal of a Final Plat application, a different street name for Forest Oaks Court shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name; and, 13. 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.)

105. No. 05PL238 - A request by Cetec Engineering Services for Olsen Development Company for a **Preliminary Plat** on Lot 8 of Overlook Subdivision, formerly the balance of Lot 5 of Overlook Subdivision of the SW1/4 of the NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the balance of Lot 5 of Overlook Subdivision of the SW1/4 of the NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1825 Clark Street. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; 2. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and, 3. 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.)
106. No. 05PL240 - A request by Sperlich Consulting, Inc. for a **Layout Plat** on Lots 4A and 4B and Lot 5R of Judicial Lot 4 and Lots 6-17 of Norman Ranch Subdivision formerly Lots 4 and 5 of Judicial Lot 4, Norman Ranch Subdivision, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lots 4 and 5 of Judicial Lot 4, Norman Ranch Subdivision, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, located adjacent to the southwest side of Old Folsom Road between Lamb Road and east of South Highway 79. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan, as well as an erosion and sediment control plan, shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that discharge shall not exceed pre-developed flow rates and shall not exceed capacity of downstream facilities. Any discharge onto adjacent properties shall be located within designated drainage easements. In addition, the plat document shall be revised to provide drainage

easements as needed; 2. Upon submittal of a Preliminary Plat, a geotechnical report shall be submitted for review and approval; 3. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of private and public utilities through the subject property as well as to adjacent properties; 4. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval; 5. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed with a minimum eight inch water main and shall be designed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed; 6. Upon submittal of a Preliminary Plat application, road construction plans for Old Folsom Road shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way; 7. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the south lot line shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way. The applicant also has the option of vacating the section line highway. If vacated, a Comprehensive Plan Amendment to the Major Street Plan shall be obtained to eliminate and/or relocate the principal arterial street as currently shown in the section line highway; 8. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the west lot line shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated; 9. Upon submittal of a Preliminary Plat application, road construction plans for the collector street as shown on the Major Street Plan shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or a Comprehensive Plan Amendment to the Major Street Plan shall be obtained to eliminate and/or relocate the principal arterial street as currently shown in the section line highway. In addition, the plat document shall be revised to show the collector street as per the City's Major Street Plan; 10. Upon submittal of a Preliminary Plat application, construction plans for Norman Ranch Road shall be submitted for review and

approval. In particular, Norman Ranch Road shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The construction plans shall also show the proposed turnaround(s) located in a minimum 110 foot wide right-of-way and constructed with a minimum 96 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 11. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow Norman Ranch Road to be designed as an 3,800 foot long cul-de-sac street with no intermediate turnarounds every 600 feet or the plat document shall be revised accordingly; 12. Prior to submittal of a Preliminary Plat application, an Approach Permit shall be obtained from the Pennington County Highway Department for the proposed approaches along Old Folsom Road. In addition, the plat document shall be revised to show a shared approach to proposed Lots 4A and 4B. The shared approach shall measure a maximum of 40 feet in width by 40 feet in length; 13. Upon submittal of a Preliminary Plat application, a subdivision cost estimate shall be submitted for review and approval; 14. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal. In particular, an agreement with Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal; or evidence shall be submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1; or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services; 15. Prior to submittal of a Final Plat application, a different street name for Norman Ranch Road shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved street name; 16. Upon submittal of a Final Plat application, a note shall be placed on the plat document stating that "a reserve drainfield area shall be identified upon submittal of a building permit"; and that "on-site wastewater disposal systems shall be mound systems, holding tanks or evapotranspiration systems only if percolation and profile information is not sufficient for conventional systems"; 17. Upon submittal of a Final Plat application, the plat document shall be revised to show "Judicial Lot 4" in the formerly description; and, 18. 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.)

107. No. 05PL242 - A request by Wyss Associates, Inc. for Canyon Springs, LLC for a **Layout Plat** on Lots 1 through 87, Canyon Springs Preserve located in Sections 22, 23 and 26, T2N, R6E, BHM, Pennington County, South Dakota, legally described as the balance of the N1/2 NW1/4, Section 26; a portion of the E1/2 SE1/4, Section 22; and a portion of the SW1/4 less Fire House Subdivision, less Lot H1 of the SE1/4 SW1/4 and less lot H2 all located in Section 23, T2N, R6E, BHM, Pennington County, South Dakota, located at 8885 Nemo Road. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval; 2. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall provide on-site detention as needed. In addition, the plat document shall be revised to provide drainage easements as necessary; 3. Upon submittal of a Preliminary Plat application, sewer

plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval. In addition, the individual wastewater disposal systems shall be designed by a Professional Engineer meeting all requirements as per the South Dakota Department of Environment and Natural Resources; 4. Upon submittal of a Preliminary Plat application, a water system analysis verifying the source and adequacy of water quantity and storage capacity for domestic and fire flows shall be submitted for review and approval. In addition, fire hydrants shall be provided at all intersections and intermediate points between intersections with spacing not to exceed 450 feet and at high points in the profile or a Variance to the Subdivision Regulations shall be obtained; 5. Upon submittal of a Preliminary Plat application, road construction plans for Nemo Road shall be submitted for review and approval. In particular, the construction plans shall show the installation of curb, gutter, street light conduit, water and sewer along Nemo Road or a Variance to the Subdivision Regulations shall be obtained; 6. Upon submittal of a Preliminary Plat application, road construction plans for Mainline 1, Spur 1-A and Spur 2-F shall be submitted for review and approval. In particular, the streets shall be located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 7. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets shall be submitted for review and approval. In particular, the cul-de-sac streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs and an intermediate turnaround every 600 feet, where applicable, with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 8. Upon submittal of a Preliminary Plat application, road construction plans for Spur 1-G shall be submitted for review and approval. In particular, the street shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 9. Upon submittal of a Preliminary Plat application, road construction plans for the north-south section line highway and the east-west section line highway shall be submitted for review and approval. In particular, the road construction plans shall show the streets 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 or the section line highways shall be vacated; 10. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval; 11. An Exception to the Street Design Criteria Manual to allow a 1,400 foot long cul-de-sac in lieu of a maximum 500 foot long cul-de-sac shall be granted for Spur 1-L with the stipulation that one intermediate turnaround be provided to accommodate fire apparatus and that the street be constructed with a minimum 24 foot wide paved surface; 12. An Exception to the Street Design Criteria Manual to allow a 655 foot long cul-de-sac in lieu of a maximum 500 foot long cul-de-sac shall be granted for Spur 1-K with the stipulation that the street

be constructed with a minimum 24 foot wide paved surface; 13. An Exception is hereby granted to allow a 15% gradient along a portion of Mainline 1 in lieu of a maximum 12% gradient as per the Street Design Criteria Manual and a maximum 10% gradient as per the International Fire Code with the stipulation that the street be constructed with a minimum 27 foot wide paved surface; 14. An Exception is hereby denied to waive the requirement to provide visitor parking at a ratio of one paved parking stall per dwelling located within three hundred feet of the residence along Mainline 1, Spur 1-G, Spur 1-L, Spur 2-F and Spur 1-A; 15. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 16. Prior to Preliminary Plat approval by the City Council, Approach Permit(s) shall be obtained from the Pennington County Highway Department. In addition, acceleration and turning lane(s) shall be provided along Nemo Road as determined by the Pennington County Highway Department; 17. Prior to submittal of a Final Plat, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual; 18. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented; 19. Prior to submittal of a Final Plat, the applicant shall submit proposed street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; 20. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal. In particular, an agreement with Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal; or evidence shall be submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1; or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services; 21. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the community water facility for review and approval; 22. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the common area for review and approval; 23. Upon submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Nemo Road or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s); 24. Upon submittal of a Final Plat application, a note shall be placed on the plat document stating that "a reserve drainfield area shall be identified upon submittal of a building permit"; and that "on-site wastewater disposal systems shall be mound systems, holding tanks or evapotranspiration systems only if percolation and profile information is not sufficient for conventional systems". In addition, a note shall be placed on the plat document stating that "all wastewater disposal systems be a minimum of 50 feet from all exposed rock cliffs and major drainage ditches within the development; and, 25. 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.)

108. No. 05PL244 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 2A and 2B of Block 1, Black Hills Center, formerly the unplatted portion of the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SE1/4 NW1/4 and

the SW1/4 NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Catron Boulevard and Fifth Street. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, road construction plans for Catron Boulevard shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 3. Prior to submittal of a Final Plat application, the plat document shall be revised to show the names of adjacent streets and adjacent subdivisions as per Chapter 16.20.050 of the Rapid City Municipal Code; 4. Prior to submittal of a Final Plat application, a Final Plat shall be approved creating Lot 2 of Block 1 or the plat title shall be revised to show the correct "formerly" description; 5. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Stumer Road, except for the approved approach location and to show a non-access easement along Catron Boulevard; 6. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

END OF CONSENT CALENDAR

Kroeger moved, second by Hadcock to (No. PW011006-18), acknowledge the report on handicap parking issues at the ice arena and Roosevelt Swimming Pool. Alderman Kooiker indicated more discussion is warranted because the issue of handicap parking is not about the number of spaces, but the location of those parking spaces. Kooiker was of the opinion that the handicap parking spaces needed to be closer to the front entrance of the buildings. Substitute motion was made by Kooiker, second by Olson and carried to continue this item to the January 31, 2006 Public Works Committee meeting.

Kroeger moved, second by Hadcock to (No. LF011106-15) set a special Council meeting for February 2, 2006, at 7:00 p.m. regarding a briefing from the Safe Drinking Water Committee and to invite the County Commissioners to attend this meeting. Substitute motion was made by Johnson, second by Olson and carried to set a special Council meeting for Monday, January 30, 2006 at 7:00 P.M. for a briefing from the Safe Drinking Water Committee.

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 Olson and carried to close the public hearing.

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

Package (Off-Sale) Liquor License Renewals for 2006

109. Dakotas Best dba **Dakotas Best**, Rushmore Mall, 2200 N. Maple Avenue for a Package (Off-Sale) Liquor License

Retail (On-Sale) Wine License Renewals for 2006

110. Hanna Khoury dba **Khoury's Mediterranean Cuisine**, 2520 West Main Street for a Retail On-Sale Wine License

Retail (On-Sale) Liquor License TRANSFER

111. SKS Productions dba **Venue Eight**, 504 Mt. Rushmore Road for a Retail (On-Sale) Liquor License transfer from Taira L. Hoeye dba **St. Joe Pub**

Chapman moved, second by Hadcock and carried to continue the hearing on the following to the February 20, 2006 Council meeting:

Package (Off-Sale) Liquor License (TRANSFER)

112. 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 COUNCIL PROCEEDINGS*

Retail (On-Sale) Liquor License (TRANSFER)

113. 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 COUNCIL PROCEEDINGS*

Set for Hearing (February 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 Malt Beverage and Wine License

114. **Allied Arts Fund Drive, Inc.** for a special Malt Beverage and Wine License for an event scheduled February 9, 2006 at the Rushmore Mall, 2200 North Maple Avenue
115. **Rapid City Fine Arts Center, Inc.** for a special Malt Beverage and Wine License for an event scheduled February 17, 2006 at the Dahl Arts Center, 713 7th Street
116. **Rushmore Soccer Club** for a special Malt Beverage and Wine License for an event scheduled March 18, 2006 at the Peace Officers Club, 2500 Golden Eagle Drive
117. **Rapid City Fine Arts Center, Inc.** for a special Malt Beverage and Wine License for an event scheduled April 7, 2006 at the Dahl Arts Center, 713 7th Street
118. **Pennington County Democratic Party.** for a special Wine License for an event scheduled February 10, 2006 at the Prairie Edge Trading Co. & Galleries, 606 Main Street.

Package (Off-Sale) Liquor License

119. Lance and Abigail Bridges dba **Bridges wines and Spirits**, 1315 Haines Avenue for a Package (Off-Sale) Liquor License

Package (Off-Sale) Malt Beverage License

120. Lance and Abigail Bridges dba **Bridges wines and Spirits**, 1315 Haines Avenue for a Package (Off-Sale) Malt Beverage License

ITEMS FROM THE MAYOR

Olson moved, second by Chapman and carried to approve the appointments of Holly Brenniese, Alternate 1 and Karen Waltman, Alternate 2 to the Planning Commission.

Okrepkie moved, second by Chapman and carried to approve the appointments of Don Perdue and Doyle Estes to the Journey Museum Board.

Johnson moved, second by Chapman and carried to approve the appointments of Deb Hadcock, Ray Hadley, Bob Hurlbut as Chairman, Karen Gundersen Olson, Doug Rumpca, Eric Farrar, Mike Diedrich, Brendan Casey and a representative from the City Attorney's Office in an ex-officio capacity to the Sign Code Revision Task Force.

Chapman moved, second by Hadley and carried to approve the appointments of Sandra McNeely, Eric Abrahamson, and Maria McCarthy-Anderson to the Rapid City Library Board.

ITEMS FROM COUNCIL MEMBERS/LIAISON REPORTS

Schumacher moved, second by Okrepkie and carried to request the Mayor's Office to form a committee with Pennington County regarding the Adams Street Facility.

Alderman Kooiker addressed the Future Land Use Committee process (notification, minutes and bylaws) indicating this process is important, as the recommendations from this ad hoc committee carry a lot of weight throughout the planning process. He indicated that it is critical the Future Land Use Committee keep minutes, notify the public of their meetings, and operate under a set of Bylaws.

Motion was made by Kooiker, second by Hadley asking the Growth Management Department to keep minutes of Future Land Use Committee meetings, effectively immediately; and to provide public notification of said meetings; and begin the process of drafting bylaws and provide an initial report of that progress at the March 14, 2006 Public Works Committee meeting. City Attorney Green advised the members that the Council has the legal authority to make this requirement. Green explained that the Future Land Use Committee is not a public body as defined in State law, and there is no quorum of the Planning Commission members or Council members on the Future Land Use Committee. The Future Land Use Committee is an ad hoc committee that makes a recommendation to the Planning Commission, and any recommendation adopted by the Planning Commission must come before the Council for further action. Green recommended the Council not adopt public notification, minutes or bylaws because it is not a formal process. Upon a roll call vote the motion failed with the following voting AYE: Kooiker, Schumacher, Hadley and Johnson; NO: Kroeger, Hadcock, Chapman, Olson and Okrepkie.

Alderman Chapman asked for a formal acknowledgement of the 20th Anniversary of Dr. King's Birthday Celebration and read in part a Proclamation by the President.

Dr. Martin Luther King, Jr., was a visionary American and a dedicated leader who believed deeply in liberty and dignity for every person. His faith and courage continue to inspire America and the world. And on this day we honor his life and his work.

Growing up in Atlanta, Georgia, Dr. King witnessed firsthand the injustice of a segregated society. He realized that change was necessary to ensure the full promise of our Constitution for all Americans, and his charismatic leadership awakened the conscience of America.

Our Nation has accomplished much over the last 40 years. Our journey toward justice and equality is not always been an easy one, and it is not over. However long the journey our destination is set -- liberty and justice for all. Dr. Martin Luther King, Jr., believed in the good that exists in all men and women. And today we will remember the work of Dr. King as we continue striving to meet the founding ideals of our great Nation.

Kooiker moved, second by Schumacher and carried to acknowledge the anniversary of Dr. King's Birthday Celebration.

FINANCE OFFICER'S ITEMS

Johnson moved, second by Okrepkie and carried to authorize the Mayor and Finance Officer to sign a Letter of Agreement with Grant Thornton for an amount not to exceed \$6,500.

BID AWARDS

The following companies submitted bids for No. CC011606-02, Five (5) 2006 ADA Accessible Raised Floor Transit Vehicles for Rapid Transit System opened January 11, 2006: Harlow's Bus Sales, Inc. Staff reviewed the bids and recommends award to Harlow's Bus Sales, Inc. Okrepkie moved, second by Olson and carried to approve the bid award of Five (5) 2006 ADA Accessible Raised Floor Transit Vehicles to the bidder meeting specifications, Harlow's Bus Sales, Inc. as follows: \$468,350.00 less trade-in of five vehicles for \$25,000.00, plus the Optional Sixth Vehicle for \$93,670.00 for the total of \$537,020.00.

The following companies submitted bids for No. CC011606-02, Two (2) 2006 ADA Accessible Paratransit Vehicles for Rapid Transit System opened January 11, 2006: Harlow's Bus Sales, Inc. Staff reviewed the bids and recommends award to Harlow's Bus Sales, Inc. for only one paratransit vehicle. Okrepkie moved, second by Chapman and carried to approve the bid award of a 2006 ADA Accessible Paratransit Vehicle to the bidder meeting specifications, Harlow's Bus Sales, Inc. for the total of \$65,710.00.

APPROVAL OF BILLS

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

Payroll Paid Ending 01-07-06, Paid 01-13-06	696,381.98
Payroll Paid Ending 01-07-06, Paid 01-13-06	3,408.80
Pioneer Bank, Taxes Paid 01-13-06	171,955.46
Pioneer Bank, Taxes Paid 01-13-06	235.42
1 st National Bank in Sioux Falls, SRF loan payments	388,219.18
First Administrators, claims paid 01-03-06	70,551.21
First Administrators, claims paid 01-10-06	84,401.98
Berkley Risk Administrators, December 2005 claim payments	14,189.94

Black Hills Electric Cooperative, electricity	412.27
Black Hills Power & Light, electricity	20,137.02
Montana Dakota Utilities, gas	16,892.32
West River Electric Association, electricity	6,241.07
West River Electric Association, electricity	13,681.06
United States Postmaster, postage	1,600.00
Computer Bill List	<u>2,421,393.79</u>
Subtotal	\$3,909,701.50
Payroll Paid Ending 01-07-06, Paid 01-13-06	2,621.92
Pioneer Bank, Taxes Paid 01-13-06	200.58
Charles Braunersrither, volunteer stipend	150.00
City of Rapid City, postage	4.74
City of Rapid City, desk jet cartridges	48.33
City of Rapid City, health insurance	643.00
Dakota Business Center, copier maintenance	9.08
K-Mark, gift wrapping supplies	37.32
Prairie Wave Communications, telephone	34.63
SD Retirement Systems, pension	446.13
Standard Life, life insurance	7.92
Angie Weeks, staff mileage	<u>69.60</u>
Subtotal	\$3,913,974.75
South Dakota Municipal League, Government Day registration	<u>180.00</u>
Total	\$3,914,154.75

Hadley moved, second by Johnson and carried to reconsider No. 04PL097 and No. 04SV042.

Hadley moved, second by Johnson and carried to continue No. 04PL097 -- a request by Dream Design International, Inc. for a **Layout Plat** on Hyland Park Subdivision; and No. 04SV042 -- a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations** to the February 13, 2006, 7:00 P.M. special Council meeting.

PUBLIC WORKS DIRECTOR'S ITEMS

Public Works Director Jablonski asked to declare an emergency and authorization to purchase two 125 HP bowl drive variable frequency drives to operate the centrifuges at the Water Reclamation Facility. Jablonski reported the failure of one centrifuge and the anticipation of the remaining centrifuge to fail. He explained that these centrifuges are critical to the operation of the facility. He indicated two verbal quotes were obtained, one from Andits for \$23,384 with a two week shipping date, the other quote from Crum Electric for \$15,704.50 with a three working day delivery time.

Okrepkie moved, second by Johnson and carried to declare an emergency and authorize the purchase of two 125 HP bowl drive variable frequency drives for the Water Reclamation Facility from Crum Electric in the amount of \$15,704.50.

CITY ATTORNEY'S ITEMS

Chapman moved, second by Hadcock and carried to acknowledge American Heart Association raffle to be conducted February 11, 2006 during the Rapid City Heart Ball, Ramkota Hotel and Convention Center.

Okrepkie moved, second by Chapman and carried to go into Executive Session at 12:26 A.M. to discuss contractual matters and potential pending litigation. The Council came out of Executive Session at 12:45 A.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 12:45 A. M.

CITY OF RAPID CITY

ATTEST:

Finance Office

Mayor

(SEAL)