

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

November 20, 2006

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

The following members were present: Mayor Jim Shaw and the following Alderpersons: Karen Olson, Ron Kroeger, Sam Kooiker, Malcom Chapman, Tom Johnson, Lloyd LaCroix, Bill Okrepkie, Bob Hurlbut, and Deb Hadcock; and the following Alderpersons arrived during the course of the meeting: Mike Schumacher, and the following were absent: None. Mayor Shaw noted that Alderman Schumacher would arrive later in the meeting.

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

ADOPTION OF AGENDA

The following items were added to the agenda:

- Agenda items 143 through 153 – “Open Public Hearings” take public comments and “Close Public Hearings” then take action on the items
- Report on visit to Pine Ridge Reservation
- United Downtown request to have free parking on Saturdays during holiday season
- Agenda item 181 - No. 06RZ040, Second Reading, Ordinance No. 5200
- Agenda item 182 - No. 06RZ054, Second Reading, Ordinance No. 5209
- Authorize staff to solicit Requests for Proposals for Digital GIS Base Map Development Services

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

APPROVE MINUTES

LaCroix moved, second by Okrepkie to approve the minutes of November 6, 2006, Information Meeting of November 8, 2006, and special Council of October 20, 2006 and October 30, 2006. Substitute motion was made by Kooiker, second by Hurlbut to continue the minutes of November 6, 2006, and approve the minutes of the Information Meeting of November 8, 2006, and special Council of October 20, 2006 and October 30, 2006. Motion carried.

AWARDS AND RECOGNITIONS

On behalf of the City of Rapid City, Mayor Shaw accepted the award of a Fannie Mae Grant check.

Mayor Shaw presented the Veteran of the Month for November, 2006 to Jim Goodrich and recognized his efforts and dedication to the service of his country and community.

For the month of November, 2006 Mayor Shaw recognized the following employees and their years of service to the City: Cindy McQuilkin, 20-years with Rapid Transit System and Susan Braunstein, 20-years with the Public Library; and acknowledged the retirement of Russell Bordeaux and his 14-years of service at the Regional Airport.

NON-PUBLIC HEARING ITEMS – Items 4-160 (with the exception of 143 – 153)

Okrepkie moved, second by Olson and carried to open public comment.

Steven Brenden, Rapid City addressed item 91 (PW080106-01) questioning whether an existing right-of-way will be abandoned; and item 159 (06EX074) asked the Council to deny because it is a dangerous precedence to set for a collector street and need to consider the efforts of the Fire Department Mike Reynolds, Black Hills Community Theatre Board member addressed item 154, Performing Arts Coalition, reiterating a need as been identified in the City for a 500-seat theater which fills a void that currently exists. He indicated they have spent a greatly deal of time over the last year exploring different opportunities that will be in the best interest of the City, School District and members of the community. They conducted a use and land study after approaching the School District because it was believed there would be an opportunity for a joint use facility. Several different agreements were drafted by the Coalition and presented to the School District, but a determination was made that it would be in the best interest of the School District, City and the community to go their separate ways. He indicated that there were a number of insurmountable issues that could cause issues in the future. He explained that efforts are now focused on the Journey Museum site, and indicated that they will need assistance from the City to analyze this site. Core samples were taken on this site to determine, from a structural perspective, that this is a viable spot. Reynolds indicated that the group is open to other suggestions that the City Council may have for spots to enhance the downtown region. He explained that they are currently in the process of interviewing and hiring a capital campaign consultant to assist in the process of raising dollars over and above the dedicated 2012 funds. He indicated that they will approach the City for assistances in the Request for Proposals process for design and construction costs and will ask the City to release some of the 2012 allocation. Johnson moved, second by Hurlbut and carried to allow an additional five minutes for speaker Reynolds. Reynolds emphasized that they believe it is important to do this project in a measured and complete fashion and would rather error on the side of doing the project correctly on a facility that is expected to last several decades. Janelle Fink, Fisk Land Surveying addressed item 159 (06EX074) explaining that they do not take this exception lightly. There are circumstances beyond their control. They are being required to comply with the extension of the Major Street Plan and the topography of the area within the area does not support the road at the typical ten percent. The amount of the road that is being proposed to exceed that is a fairly limited amount that would provide access for a limited amount of residences; but it would also extend or continue the road infrastructure so that in the future there would be limited access for the people that live in the area. Fink asked the City Council to support the recommendation of the Public Works Committee.

Johnson moved, second by Hurlbut and carried to close public comment.

CONSENT ITEMS – Items 4 - 138

The following items were removed from the Consent Calendar:

113. No. LF080206-04A – Approve addition of the following language to the top of the Application for City License: “Notice: Failure TO Disclose Any Criminal or Traffic Offenses May Result in the Denial of this License by the Rapid City Common Council” and to strike the words “arrested or” under the subtitle labeled “Legal”.

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

Alcoholic Beverage License Applications Set for Hearing (December 4, 2006)

RETAIL (ON-SALE) WINE LICENSE RENEWAL FOR 2007

4. Robert W. Johnson dba Canyon Lake Pub & Casino, 4116 Jackson Boulevard for a Retail (On-Sale) Wine License
5. CEC Entertainment, Inc. dba Chuck E Cheese’s, 30 Knollwood Drive, for a Retail (On-Sale) Wine License
6. Mae Jean Adams dba The Corn Exchange, 727 Main Street, for a Retail (On-Sale) Wine License
7. S & Y, Inc. dba The Golden Phoenix, 2421 West Main Street, for a Retail (On-Sale) Wine License
8. Great Wall, Inc. dba Great Wall Chinese Restaurant, 315 E. North Street, for a Retail (On-Sale) Wine License
9. Chrisbro, LLC dba Hampton Inn, 1720 Rapp Street, for a Retail (On-Sale) Wine License
10. Century Motels, Inc. dba Howard Johnson Express Inn & Suites, 950 North Street, for a Retail (On-Sale) Wine License
11. Rhonda Berger dba Ichiban, 1109 Omaha St., Ste. A, for a Retail (On-Sale) Wine License
12. Great Wall, Inc. dba Imperial Chinese Restaurant, 702 E. North Street, for a Retail (On-Sale) Wine License
13. Museum Alliance of Rapid City, Inc. dba The Journey Museum, 222 New York Street, for a Retail (On-Sale) Wine License
14. Khoury’s Mediterranean Cuisine dba Khoury’s Mediterranean Cuisine, 2520 West Main Street, for a Retail (On-Sale) Wine License
15. WR Rapid City Ventures, LP dba Oakleaf Beer Garden, 2213 LaCrosse Street, for a Retail (On-Sale) Wine License
16. Piece of Cake, LLC dba Piece of Cake, 901 Mt. Rushmore Road, for a Retail (On-Sale) Wine License
17. Mai T. Goodsell dba Saigon Restaurant, 221 E. North Street, for a Retail (On-Sale) Wine License
18. Wine Cellar Restaurant, LLC dba Wine Cellar Restaurant, 513 Sixth Street, for a Retail (On-Sale) Wine License

PACKAGE (OFF-SALE) LIQUOR LICENSE RENEWAL FOR 2007

19. Albertsons, LLC dba Albertsons Food Center #845, 855 Omaha Street, for a Package (Off-Sale) Liquor License
20. Hotel Management Co., Inc. dba Hotel Alex Johnson, 523 Sixth Street, for a Package (Off-Sale) Liquor License

21. Nauman Flying Service, Inc. dba Autumn Hills Plaza Liquor, 5312 Sheridan Lake Rd., #103, for a Package (Off-Sale) Liquor License
22. B & L, Inc. dba Boyd's Liquor Mart, 909 E. St. Patrick Street, for a Package (Off-Sale) Liquor License
23. B & L, Inc. dba Boyd's Liquor Mart, 2001 W. Main Street, No. 202, for a Package (Off-Sale) Liquor License
24. Mills Drug, Inc. dba Boyd's Liquor Mart, 1424 Mt. Rushmore Road, for a Package (Off-Sale) Liquor License
25. Derby Advertising, Inc. dba Canyon Lake Chop House, 2720 Chapel Lane, for a Package (Off-Sale) Liquor License
26. Tanya Tschakert dba Caffè" Amore, 505 North 5th Street, for a Package (Off-Sale) Liquor License
27. Sully Enterprises, LLC dba Common Cents, 2808 Sheridan Lake Road, for a Package (Off-Sale) Liquor License
28. Sully Enterprises, LLC dba Common Cents, 634 East North Street, for a Package (Off-Sale) Liquor License
29. Flannery Oil Company dba Corner Pantry, LaCrosse Street, 2130 LaCrosse Street, for a Package (Off-Sale) Liquor License
30. Dakota's Best & Brown Bag Deli, Inc. dba Dakota's Best & Brown Bag Deli, 818 Main Street for a Package (Off-Sale) Liquor License
31. Rapid City Liquor, Inc. dba Family Thrift Liquor #273, 1516 E. St. Patrick Street, for a Package (Off-Sale) Liquor License
32. Rapid City Liquor, Inc. dba FTC Express #657, 3460 Sturgis Road, for a Package (Off-Sale) Liquor License
33. M & B Investments, Inc. dba Hideaway Casino, 1575 N. LaCrosse Street, Ste. D, for a Package (Off-Sale) Liquor License
34. Wal-East Development, Inc. dba Jackpot Casino Too, 1415 N. LaCrosse, Ste. 3, for a Package (Off-Sale) Liquor License
35. Piece of Cake, LLC dba Piece of Cake, 901 Mt. Rushmore Road, for a Package (Off-Sale) Liquor License
36. Rapid City Liquor, Inc. Prairie Bottle Market #46, 13 New York Street, for a Package (Off-Sale) Liquor License
37. Retsel Corp. dba Ramada Inn Package Store, 1721 N. LaCrosse Street, for a Package (Off-Sale) Liquor License
38. Safeway Stores 46, Inc. dba Safeway Store #1554, 730 Mt. View Road, for a Package (Off-Sale) Liquor License
39. Safeway Stores 46, Inc. dba Safeway Store #581, 2120 Mt. Rushmore Road, for a Package (Off-Sale) Liquor License
40. Smith's Liquor Gallery, Inc. dab Smith's Liquor Gallery, 2218 Jackson Blvd., Ste. 1, for a Package (Off-Sale) Liquor License
41. Thrifty Smoke Shop, Inc. dba Thrifty Smoke Shop, 718 East St. Patrick Street, for a Package (Off-Sale) Liquor License
42. Thrifty Smoke Shop, Inc. dba Thrifty Smoke Shop III, 3030 W. Main Street, Ste. B, for a Package (Off-Sale) Liquor License
43. Carol Enterprises, Inc. dba Valley Liquor, 747 Timmons Blvd., for a Package (Off-Sale) Liquor License
44. Orris Enterprises, Inc. dba Vino 100, 520 7th Street, #520, for a Package (Off-Sale) Liquor License

RETAIL (ON-SALE) LIQUOR LICENSE RENEWAL FOR 2007

45. City of Rapid City dba Airport Restaurant & Lounge, 4550 Terminal Rd., Ste 206, for a Retail (On-Sale) Liquor License and Sunday Opening
46. Hotel Management Co., Inc. dba Alex Johnson Hotel, 523 Sixth Street, for a Retail (On-Sale) Liquor License and Sunday Opening
47. American Legion Home Association dba American Legion, 818 E. St. Patrick, for a Retail (On-Sale) Liquor License and Sunday Opening
48. Porter Apple Company, Inc. dba Applebee's Neighborhood Grill & Bar, 2160 Haines Avenue, for a Retail (On-Sale) Liquor License and Sunday Opening
49. Arrowhead Country Club dba Arrowhead Country Club, 3675 Sheridan Lake Road, for a Retail (On-Sale) Liquor License and Sunday Opening
50. Blue Lantern Lounge, Inc. dba Blue Lantern Lounge, 1200 E. St. Patrick Street, for a Retail (On-Sale) Liquor License and Sunday Opening
51. RC Boston Company, LLC dba Boston's Restaurant & Sports Bar, 620 E. Disk Drive, for a Retail (On-Sale) Liquor License and Sunday Opening
52. Karen J. Schumacher dba Brass Rail Lounge, 624 St. Joe Street, for a Retail (On-Sale) Liquor License and Sunday Opening
53. Harbry Enterprises, Inc. dba Buck 'N Gator Lounge, 4095 Sturgis Road, for a Retail (On-Sale) Liquor License and Sunday Opening
54. Derby Advertising, Inc. dba Canyon Lake Chophouse, 2720 Chapel Lane, for a Retail (On-Sale) Liquor License and Sunday Opening
55. Retsel, Inc. dba Cheers/Ramada Inn, 1721 LaCrosse Street, for a Retail (On-Sale) Liquor License and Sunday Opening
56. Brinker Restaurant Corp. dba Chili's Grill & Bar, 2125 N. Haines Avenue, for a Retail (On-Sale) Liquor License and Sunday Opening
57. M G Oil Company dba Clock Tower Lounge, 2525 West Main Street, for a Retail (On-Sale) Liquor License and Sunday Opening
58. Colonial House, Inc. dba Colonial House, 2501 Mt. Rushmore Road, for a Retail (On-Sale) Liquor License and Sunday Opening
59. Marton Management, Inc. dba Days Inn Lounge, 725 Jackson Boulevard, for a Retail (On-Sale) Liquor License and Sunday Opening
60. Hansen Investments, Inc. dba Diamond Dave's Taco Co., Rushmore Mall, 2200 N. Maple, for a Retail (On-Sale) Liquor License and Sunday Opening
61. Fraternal Order of Eagles dba Rapid City Aerie #3555, 1410 Centre Street, for a Retail (On-Sale) Liquor License and Sunday Opening
62. Rapid City Elks Club dba Elks Lodge #1187, 3333 E. 39th Street, for a Retail (On-Sale) Liquor License and Sunday Opening
63. Fat Boy's, Inc. dba Firehouse Brewing Company, 610 Main Street, for a Retail (On-Sale) Liquor License and Sunday Opening
64. Michael Wiecele dba Horseshoe Bar, 1407 ½ E. North Street , for a Retail (On-Sale) Liquor License and Sunday Opening
65. Kurylas, Inc. dba Imperial Inn, 100 St. Joseph Street, for a Retail (On-Sale) Liquor License
66. Fresch, Inc. dba Joe's Place, 4302 S. Highway 79, for a Retail (On-Sale) Liquor License and Sunday Opening
67. Kelly's Sports Lounge, Inc. dba Kelly's Sports Lounge, 825 Jackson Boulevard, for a Retail (On-Sale) Liquor License and Sunday Opening

68. Kelly's Sports Lounge II, Inc. dba Kelly's Sports Lounge II, 318 – 320 East Boulevard, for a Retail (On-Sale) Liquor License and Sunday Opening
69. Hungry's Restaurants, Inc. dba Marlin's Roadhouse Grill, 2803 Deadwood Avenue, for a Retail (On-Sale) Liquor License and Sunday Opening
70. Meadowood Lounge, Inc. dba Meadowood Lounge, 3809 Sturgis Road, for a Retail (On-Sale) Liquor License and Sunday Opening
71. WR Rapid City Ventures, LP, dba Minerva's Restaurant & Bar, 2211 N. LaCrosse Street, for a Retail (On-Sale) Liquor License and Sunday Opening
72. Loyal Order of Moose dba Moose, 841 St. Patrick Street, for a Retail (On-Sale) Liquor License and Sunday Opening
73. Oasis Lounge, Inc. dba Oasis Lounge, 711 Main Street, for a Retail (On-Sale) Liquor License
74. GMRI, Inc. dba Olive Garden Italian Restaurant, 160 Disk Drive, for a Retail (On-Sale) Liquor License and Sunday Opening
75. Outback Midwest II, LP dba Outback Steakhouse, 665 E. Disk Drive, for a Retail (On-Sale) Liquor License and Sunday Opening
76. Phatty McGees, Inc. dba Phatty McGees, 321 Seventh Street, for a Retail (On-Sale) Liquor License and Sunday Opening
77. Beshara Enterprises, Inc. dba The Pirate's Table, 3550 Sturgis Road, for a Retail (On-Sale) Liquor License and Sunday Opening
78. Viper, LLC dba Quality Inn/Reunion Lounge, 1902 LaCrosse Street, for a Retail (On-Sale) Liquor License and Sunday Opening
79. Shiba Investments, Inc. dba Radisson, 445 Mt. Rushmore Road, for a Retail (On-Sale) Liquor License and Sunday Opening
80. GMRI, Inc. dba Red Lobster Restaurant, 120 Disk Drive, for a Retail (On-Sale) Liquor License and Sunday Opening
81. Entertainment, Inc. dba Robbinsdale Lounge, 803 E. St. Patrick Street, for a Retail (On-Sale) Liquor License and Sunday Opening
82. Fox Family Enterprises, Inc. dba Rodeway Inn, 2208 Mt. Rushmore Road, for a Retail (On-Sale) Liquor License and Sunday Opening
83. Rushmore Cuisine, Inc. dba Ruby Tuesday, 2709 Mt. Rushmore Rd., for a Retail (On-Sale) Liquor License and Sunday Opening
84. Steven C. Lester dba Rushmore Plaza Holiday Inn, 505 N. Fifth Street, for a Retail (On-Sale) Liquor License and Sunday Opening
85. Shotgun Willies, Inc. dba Shotgun Willie's, 2808 West Main, for a Retail (On-Sale) Liquor License and Sunday Opening
86. Shooters, Inc. dba Shooters, 2424 West Main Street, for a Retail (On-Sale) Liquor License and Sunday Opening
87. Luke Lester Investments, LLC dba The Stampede, 640 E. St. Patrick Street, for a Retail (On-Sale) Liquor License and Sunday Opening
88. The Retired Enlisted Association, Inc. dba Chapter #29, 1981 Centre Street, for a Retail (On-Sale) Liquor License and Sunday Opening
89. VFW dba Rushmore Post 1273, 420 Main Street, for a Retail (On-Sale) Liquor License and Sunday Opening
90. Cowboy Casino, Inc. dba Woody's, 826 Main Street, for a Retail (On-Sale) Liquor License and Sunday Opening

Public Works Committee Consent Items

91. No. PW080106-01 – Approve a request by Dream Design International for authorization to prepare an H-Lot located in the N1/2 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County on behalf of the City of Rapid City and authorize acceptance of deeds.
92. No. PW111406-03 – Approve Change Order No. 1F for Chip Seal Project No. STCM06-1539 to Hills Materials Company for an increase of \$889.65.
93. No. PW111406-04 - Approve Change Order No. 1F for Haines Avenue PCCP Panel Repair Project No. STCM06-1537 / CIP No. 50445 to Stanley J. Johnsen Concrete Contractor, Inc. for an increase of \$21,133.07.
94. No. PW111406-05 - Approve Change Order No. 1F for Brookfield Development Sewer Force Main Project No. SS05-1524 / CIP No. 50376 to Rapid Construction Company for a decrease of \$172.50.
95. No. PW111406-06 - Approve Change Order No. 1F for Brookfield Estates Sanitary Sewer & Dumping Vault Project No. SS05-1524 / CIP No. 50376 to Rapid Construction Company for an increase of \$3,140.80.
96. No. PW111406-07 – Authorize the Mayor and Finance Officer to sign a Professional Services Agreement with Stanley Consultants, Inc. for the development of a funding brochure for the Source Water Protection Project No. SSW06-1630 for an amount not to exceed \$9,850.00.
97. No. PW111406-08 – Authorize the acceptance of the public water and sanitary sewer utility improvements completed by the Palo Verde Improvement, LLC.
98. No. PW111406-09 – Authorize the acceptance of the public water main utility improvement completed by the Black Hills Area Habitat for Humanity.
99. No. PW111406-10 – Approve a request to solicit consultant services for the design and construction administration for the reconstruction of three blocks of Saint Andrew Street from 5th Street to 2nd Street; Project No. ST07-1604.
100. Acknowledge the applicant's request to withdraw No. 06PD065, a Major Amendment to a Planned Residential Development; and schedule a public neighborhood meeting on November 29, 2006 at 6:30 p.m.
101. No. 06TP027 - Approve 2007 Unified Planning Work Program – Final Report
102. No. 06TP028 - Approve 2007-2011 Transportation Improvement Program Amendment No. 07-004
103. No. 06TP029 – Approve 2007-2011 Transportation Improvement Program Amendment No. 07-005
104. No. 06TP030 – Approve 2007-2011 Transportation Improvement Program Amendment No. 07-006
105. No. 06TP031 – Approve 2007-2011 Transportation Improvement Program Amendment No. 07-007
106. No. 06TP032 – Approve 2007-2011 Transportation Improvement Program Amendment No. 07-008
107. No. 06TP033 – Approve 2007-2011 Transportation Improvement Program Amendment No. 07-009
108. No. 06TP034 – Approve 2007-2011 Transportation Improvement Program Amendment No. 07-010
109. No. 06VE027 - Approve a Vacation of a Note on a Plat for petitioner Kenneth N. and Helen W. Han on Lot 33, Block 3, Countryside South Subdivision, Section 32, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5499 Blue Stem Court.

RESOLUTION OF VACATION OF
NOTE ON A PLAT

WHEREAS the Rapid City Council held a public hearing on the 20th day of November, 2006 to consider modification of a note on Lot 33, Block 3, Countryside South Subdivision, Section 32, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 5499 Blue Stem Court; and good cause appearing therefore

BE IT RESOLVED by the Rapid City Council that the note on the plat reading:

40 foot building setbacks be vacated on all pages of the original Plat on which it appears.

BE IT FURTHER RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Resolution of Vacation of Note on Plat be approved on Lot 33, Block 3, Countryside South Subdivision, Section 32, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as shown on Exhibit A.

Dated this 20th day of November, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 110. No. 06VE028 - Approve a Vacation of Note on a Plat for petitioner Fisk Land Surveying for Richard Gary and Cory Michael Lundstrom on Lot 3, Stonehanks Subdivision, located in the SW1/4 SE1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2525 West Chicago Street.

RESOLUTION OF VACATION OF
NOTE ON A PLAT

WHEREAS the Rapid City Council held a public hearing on the 20th day of November, 2006 to consider the modification of a note on Lot 3, Stonehanks Subdivision, located in the SW1/4 SE1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2525 West Chicago Street; and good cause appearing therefore

BE IT RESOLVED by the Rapid City Council that the note on the plat reading:

Building setbacks: 25 foot front yard along property lines and 8 foot side yard and 8 foot rear yard along property lines be vacated on all pages of the original Plat on which it appears.

BE IT FURTHER RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Resolution of Vacation of Note on Plat be approved on Lot 3, Stonehanks Subdivision, located in the SW1/4

SE1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, as shown on Exhibit A.

Dated this 20th day of November, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 111. No. 06VE029 - Approve with stipulations a Vacation of an Easement for petitioner Fisk Land Surveying for Richard Gary and Cory Michael Lundstrom on Lot 3, Stonehanks Subdivision, located in the SW1/4 SE1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2525 West Chicago Street.

RESOLUTION OF VACATION
ACCESS EASEMENT

WHEREAS the Rapid City Council held a public hearing on the 20th day of November, 2006 to consider the vacation of an access easement on Lot 3, Stonehanks Subdivision, located in the SW1/4 SE1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2525 West Chicago Street; and

WHEREAS the owner(s) of the above-described property desire that said portion of the access restriction be vacated and released.

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

Dated this 20th day of November, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

Legal & Finance Committee Consent Items

- 112. Acknowledge the report regarding proposals and concepts for the downtown area.
- 114. Approve appointment of Mike Bauer to the Horace Mann Pool Task Force.
- 115. No. LF111506-03 – Approve Travel Request for Rodney Proffitt, Larry Noble, Jenni Dragoo, and Brenda Vespested to attend the ArcGIS 9.0 training at the South Dakota

- School and Mines of Technology, Rapid City, SD, December 13-15, 2006 in an amount not to exceed \$1,700.00.
116. No. 06TP035 – Authorize the Mayor and Finance Officer to sign Amendment No. 3 to the Professional Services Agreement with Ferber Engineering Company, Inc., for the Southeast Connector Neighborhood Area Future Land Use Plan at No Cost - Time Extension Only.
 117. No. 06TP036 - Authorize the Mayor and Finance Officer to sign the 2007 Agreement between the City of Rapid City and the South Dakota Department of Transportation for accomplishing the Rapid City Area Transportation Planning Process – Federal Highway Administration Planning Funds in the amount of \$576,664.
 118. No. 06TP037 – Authorize the Mayor and Finance Officer to sign the 2007 Agreement between the City of Rapid City and the South Dakota Department of Transportation for accomplishing the Rapid City Area Transportation Planning Process – Federal Transit Administration Planning Funds in the amount of \$82,989.
 119. No. 06TP038 – Authorize the Mayor and Finance Officer to sign Agreement between City of Rapid City and City of Box Elder for Accomplishing the Rapid City Area Transportation Planning Process.
 120. No. LF111506-04 – Approve a Contract for Wellness Screening Services between Rapid City Regional Hospital, Inc. and City of Rapid City.
 121. Authorize the expenditure of \$1,150 from the Council Contingency for use of the bleachers by the Parade of Lights and to waive the \$2,000 deposit.
 122. Accept Fire Act grant in the sum of \$162,384 for protective clothing.
 123. No. LF111506-05 – Approve Rapid Transit System Downtown Trolley Advertising Agreement.
 124. No. LF111506-06 – Approve Travel Request for Dean Hartford to attend Technical Training in Denver, CO, January 3-6, 2007, in an approximate amount of \$1,524.
 125. No. LF111506-07 – Approve Travel Request for Recreation Division Manager Doug Lowe to Attend the Pacific Northwest Resource Management School in Port Townsend, WA, February 25-March 2, 2007, at an approximate cost of \$1,500.
 126. No. LF111506-08 – Approve a Resolution Establishing Fees for Grave Spaces and Cemetery Services.

RESOLUTION ESTABLISHING FEES FOR
GRAVE SPACES AND CEMETERY SERVICES

BE IT RESOLVED by the City Council of the City of Rapid City that the following rates are hereby established from and after January 1, 2007.

Opening and Closing Costs:

Infant or Small Grave	\$220.00
Small Child	\$440.00
Adult or Regular Grave	\$590.00
Cremain Grave	\$220.00
Surcharge for Saturday Opening or Closing	\$175.00
Monument Setting Fee	\$ 45.00

Disinterment:

Within Cemetery: Three times regular opening and closing costs.
 Removal from Cemetery: Twice regular opening and closing cost.

<u>Grave Space Costs:</u>	<u>Pre-Need</u>	<u>As-Need</u>
Single Adult Grave	\$550.00	\$590.00
Double Stack Grave	\$680.00	\$730.00
Cremain Grave	\$275.00	\$300.00
Infant Grave	\$220.00	\$220.00
Small Child	\$440.00	\$440.00

Dated this 20th day of November, 2006.

ATTEST:
 s/ James F. Preston
 Finance Officer

CITY OF RAPID CITY
 s/ Jim Shaw, Mayor

(SEAL)

127. No. LF111506-09 – Approve a Resolution Establishing 2007 Golf Course Fees.

RESOLUTION ESTABLISHING 2007 GOLF COURSE FEES

BE IT RESOLVED by the City of Rapid City that the following fees are established or use at the Rapid City Municipal Golf Courses, to be effective from January 1, 2007 through December 31, 2007.

(1) Meadowbrook Golf Course Daily Green Fees (Includes development fee)
 (All 2007 Rates Include Sales Tax)

	2004	2005 Resident	2005 Non-Resident	2006	2007
9-Hole Weekday	\$15.25	\$16.50	\$19.00	\$16.50	
9-Hole Weekend/H	\$18.00	\$18.00	\$21.50	\$18.00	
9-Hole					\$22.50
9-Hole Jr/Sr WD	\$11.25	\$15.25	\$17.75	\$15.25	
9-Hole Jr/Sr					\$20.25
9-Hole Twilight					\$15.25
18-Hole WD	\$26.75	\$26.75	\$30.00	\$26.75	
18-Hole WE/H	\$29.75	\$30.00	\$32.50	\$30.00	
18-Hole					\$36.50
18-Hole Jr/Sr WD	\$21.50	\$25.75	\$28.50	\$25.75	
18-Hole Jr/Sr					\$32.85
18-Hole Twilight					\$21.50

(2) Meadowbrook Golf Course Season Passes / Punch Cards / Range Passes (Season Passes do not include development fee)

	2004	2005	2006	2007
<u>Adult Single</u>	\$520.00	\$520.00	\$520.00*	N/A
Dec purchase for 2007				\$520.00
Jan purchase for 2007				\$546.01
Feb purchase for 2007				\$572.02
Mar-December				\$598.00
<u>Adult Couple **</u>	\$830.00	\$830.00	\$830.00*	N/A
Dec purchase for 2007				\$830.00
Jan purchase for 2007				\$871.51
Feb purchase for 2007				\$913.00
Mar-December				\$954.50
<u>Senior Single</u>	\$465.00	\$465.00	\$465.00*	N/A
Dec purchase for 2007				\$465.00
Jan purchase for 2007				\$488.26
Feb purchase for 2007				\$511.51
Mar-December				\$534.75
<u>Senior Couple **</u>	\$725.00	\$725.00	\$725.00*	N/A
Dec purchase for 2007				\$725.00
Jan purchase for 2007				\$761.26
Feb purchase for 2007				\$797.51
Mar-December				\$833.75
<u>City Employee</u>	\$390.00	\$350.00	\$350.00*	N/A
Dec purchase for 2007				\$350.00
Jan purchase for 2007				\$367.52
Feb purchase for 2007				\$385.02
Mar-December				\$402.50
<u>Child (14 & under)</u>	\$95.00	\$95.00	\$95.00*	N/A
<u>Junior (18 & under)</u>	\$155.00	\$155.00	\$155.00*	N/A
Dec purchase for 2007				\$155.00
Jan purchase for 2007				\$162.76
Feb purchase for 2007				\$170.51
Mar-December				\$178.25
<u>College</u>	N/A	\$200.00	\$200.00*	N/A
Dec purchase for 2007				\$200.00
Jan purchase for 2007				\$210.01
Feb purchase for 2007				\$220.02
Mar-December				\$230.00
School Team	\$65.00	\$65.00	\$65.00*	N/A
Range Ball (Sm)	\$4.00*	\$4.00*	\$4.00*	\$4.00
Range Ball (Lg)	\$6.00*	\$6.00*	\$6.00*	\$6.00
Range Ball (25 P)	\$125.00*	\$125.00*	\$125.00*	\$125.00
10-9 Hole PC	\$140.00	\$140.00*	\$140.00*	\$200.00
25-9 Hole PC	\$345.00*	\$345.00*	\$345.00*	\$425.00
All City Pass-Adult	\$60.00	\$60.00	\$75.00*	N/A
All City Pass-Junior	N/A	N/A	\$50.00*	N/A
All City Pass-Child	N/A	N/A	\$40.00*	N/A

* Includes Sales Tax

** Couple means married couple as defined under South Dakota law.

(3) Meadowbrook Golf Course Cart Storage / Cart Rental / Trail Fees / Lockers

	2004	2005	2006	2007
Cart Storage				\$371.00
Gas Cart Storage	\$350.00**	\$350.00**	\$350.00**	N/A
Gas Cart Storage (w/Pass)	\$305.00**	\$305.00**	\$305.00**	N/A
Gas Cart Storage (w/PC)	\$325.00**	\$325.00**	\$325.00**	N/A
Electric Cart Storage	\$370.00**	\$370.00**	\$370.00**	N/A
Electric Cart Storage (w/P)	\$325.00**	\$325.00**	\$325.00**	N/A
Electric Cart Storage (w/PC)	\$345.00**	\$345.00**	\$345.00**	N/A
Trail Fee Annual	\$195.00**	\$195.00**	\$195.00**	\$206.70
Trail Fee Daily	\$12.00*	\$12.00*	\$12.00*	\$12.00
Cart Rental (9-Hole)	\$14.00*	\$14.00*	\$14.00*	\$16.00
Cart Rental (18-Hole)	\$25.00*	\$25.00*	\$25.00*	\$26.00
Single Rider (9-Hole)	\$10.00*	\$10.00*	\$10.00*	N/A
Single Rider (18-Hole)	\$18.00*	\$18.00*	\$18.00*	N/A
18-Hole ½ Cart				\$13.00
9-Hole ½ Cart				\$8.00
Yearly Cart Rental	\$630.00**	\$630.00**	\$630.00**	\$742.00
Lockers	\$40.00**	\$40.00**	\$40.00**	\$42.40

* Includes Sales Tax

** Does not include Sales Tax

(4) Executive Daily Green Fees (Includes development fees)

	2004	2005*	2006*	2007
9-Hole WD	\$9.00	\$ 9.00 Before 5:00 pm \$ 5.00 After 5:00 pm	\$10.00 Before 6:00 pm \$ 6.00 After 6:00 pm	N/A N/A
9-Hole WE	\$10.00	\$10.00 Before 5:00 pm \$ 6.00 After 5:00 pm	\$11.00 Before 6:00 pm \$ 8.00 After 6:00 pm	N/A N/A
9-Hole Mon-Sun				\$11.00
9-Hole Twilight **				\$ 7.00
9-Hole Junior				\$ 6.00
Child (14 under)	\$5.00	\$5.00	\$5.00	N/A

* Fees applicable Memorial Day through Labor Day

** Twilight Rates effective daily at 6:00 P.M.

(5) Executive Season Passes / Punch Cards / Cart Rentals

	2004	2005	2006	2007
10-9 Hole PC	\$75.00*	\$75.00*	\$75.00*	\$100.00
25-9 Hole PC	\$155.00*	\$155.00*	\$155.00*	\$210.00
Adult Single	\$290.00**	\$290.00**	\$290.00*	\$333.50
Adult Couple	\$375.00**	\$375.00**	\$375.00*	\$431.25
Senior Single	\$260.00**	\$260.00**	\$260.00*	\$299.00
Senior Couple	\$350.00**	\$350.00**	\$350.00*	\$402.50
Junior (18 & under)	N/A	N/A	\$75.00*	\$86.25

Child	N/A	N/A	\$60.00*	N/A
Cart Rental (Per 9)	\$10.00**	\$14.00**	\$10.00*	\$12.00

* Includes Sales Tax

** Does not include Sales Tax

*** Pass holder is a person who holds a yearly pass; punch cards are not included

BE IT FURTHER RESOLVED by the City of Rapid City that the following Development Fees are established or use at the Rapid City Municipal Golf Courses, effective from January 1, 2007 through December 31, 2007:

Development Fees (Includes Sales Tax)

	2004	2005	2006	2007
Meadowbrook (9 Hole)	\$0.93	\$0.93	\$1.00	\$1.00
Meadowbrook (18 Hole)	\$1.86	\$1.86	\$2.00	\$2.00
Executive (9 Hole)	\$0.47	\$0.47	\$0.50	\$0.50

The development fee is included in the daily green fees. The development fee is NOT included in the punch card or the season pass fee and will be charged to all season pass holders and punch card holders at tee time. This fee will be used for capital improvements.

BE IT FURTHER RESOLVED that as used in this Resolution:

1. Carts are available for individuals ages 18 and over.
2. Junior Passes shall be for persons ages 18 years and younger.
3. College Student Passes shall be for persons up to 23 years of age with valid college identification.
4. All passes will allow play at the Executive Golf Course.

BE IT FURTHER RESOLVED that the Parks and Recreation Director is hereby authorized to offer special rates for play on Meadowbrook and Executive Golf Courses as he shall determine to be appropriate for the purpose of encouraging play on said courses.

Footnotes:

(a) Punch cards will be good for current year only.

Dated this 20th day of November, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

128. No. LF111506-11 – Authorize the Mayor and Finance Officer to sign Agreement between the City of Rapid City and Zandstra Construction, Inc. and/or ZCO, Inc. for the Completion of Subdivision Improvements.
129. No. LF111506-12 – Acknowledge a Request from the University Of South Dakota Department Of Nursing to hold raffle.
130. No. LF111506-13 – Authorize the Mayor and Finance Officer to sign a Memorandum of Understanding with AFSCME.
131. No. LF111506-14 – Approve Request for Proposals (RFP) and authorize staff to advertise for housing proposals for the Fannie Mae revolving line of credit currently under Council consideration.
132. No. LF111506-15 – Preliminary approval of the Subsidy Committee's recommendations for FY 2007 Annual Action Plan Community Development Block Grant (CDBG) Allocations.
133. No. LF111506-16 – Authorize the Mayor to sign the Combined Notice of Finding of No Significant Impact; the Notice of Intent to Request Release of Grant Funds; the HUD Request for Release of Funds; and the Certification form for Dahl Fine Arts Center.
134. No. LF111506-20 - Ratify First Amendment to Agreement with Nine Liens.
135. No. LF111506-17 – Approve refund for Robert D. Williams, 2005, \$995.66.
136. Approve the following license: Trenching Journeyman: Thomas Nickels.

Growth Management Department Consent Items

137. No. 06AN004 - A request by Fisk Land Surveying & Consulting for Harley Taylor for a **Petition for Annexation** on a parcel of land located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), said point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision, S00°00'48"E, a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3, of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision, S00°03'36"W, a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11 of Block 3 of Wildwood Subdivision, S32°53'42"W, a distance of 67.03 feet more or less, to the westerly corner of said Lot 11 of Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 12 of Block 3 of Wildwood Subdivision, S32°58'25"W, a distance of 65.94 feet more or less, to the northwest corner of said Lot 12 in Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 13R of Block 3 of Wildwood

Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence, S90°00'00"W, a distance of 704.97 feet more or less; thence, N90°00'00"W, a distance of 747.30 feet more or less; thence, N69°00'53"W, a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of 02°26'04", an arc length of 20.92 feet more or less, and a chord bearing of S25°13'48"W, and a chord distance of 20.91 feet, more or less; thence, N63°33'10"W, a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of 09°44'59", an arc length of 66.75 feet more or less, and a chord bearing of N21°34'20"E, and a chord distance of 66.67 feet, more or less; thence, S83°00'00"W, a distance of 363.67 feet more or less; thence, S04°41'43"E, a distance of 202.00 feet more or less; thence, S35°35'41"W, a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence, S89°47'34"W, a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line, N00°12'26"W, a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the south line of said Lot 9 of Block 5 of Westview Estates and along the south line of Lot 1 of Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177), N89°47'51"E, a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot One (1) of Block Five (5) of Westview Estates, N89°46'54"E, a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates and along the south line of Carriage Hills Drive right-of-way, N89°51'26"E, a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°50'31"E, a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°48'02"E, a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°52'45"E, a distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°46'22"E, a distance of 165.37 feet more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°48'13"E, a distance of 134.59 feet more or less, to the southeast corner of said Lot 26R of Block 3 of Westview Estates, said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates, and said point being marked by a rebar with cap "LS 2652"; thence,

continuing easterly along said one-quarter section line and along the south line of said Lot R of Block 3 of Westview Estates, N89°48'06"E, a distance of 130.02 feet more or less, to the point of beginning, located at the southern terminus of Carriage Hills Drive. (APPROVE PETITION FOR ANNEXATION contingent on any payment due to the Whispering Pines Fire Protection 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 22.32 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

A parcel of land located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), said point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision, S00°00'48"E, a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3, of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision, S00°03'36"W, a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11 of Block 3 of Wildwood Subdivision, S32°53'42"W, a distance of 67.03 feet more or less, to the westerly corner of said Lot 11 of Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 12 of Block 3 of Wildwood Subdivision, S32°58'25"W, a distance of 65.94 feet more or less, to the northwest corner of said Lot 12 in Block 3 of Wildwood Subdivision, said point being

coincident with the north corner of Lot 13R of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence, S90°00'00"W, a distance of 704.97 feet more or less; thence, N90°00'00"W, a distance of 747.30 feet more or less; thence, N69°00'53"W, a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of 02°26'04", an arc length of 20.92 feet more or less, and a chord bearing of S25°13'48"W, and a chord distance of 20.91 feet, more or less; thence, N63°33'10"W, a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of 09°44'59", an arc length of 66.75 feet more or less, and a chord bearing of N21°34'20"E, and a chord distance of 66.67 feet, more or less; thence, S83°00'00"W, a distance of 363.67 feet more or less; thence, S04°41'43"E, a distance of 202.00 feet more or less; thence, S35°35'41"W, a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence, S89°47'34"W, a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line, N00°12'26"W, a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the south line of said Lot 9 of Block 5 of Westview Estates and along the south line of Lot 1 of Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177), N89°47'51"E, a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot One (1) of Block Five (5) of Westview Estates, N89°46'54"E, a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates and along the south line of Carriage Hills Drive right-of-way, N89°51'26"E, a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°50'31"E, a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°48'02"E, a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°52'45"E, a distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°46'22"E, a distance of 165.37 feet more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°48'13"E, a distance of 134.59 feet more or less, to the southeast corner of said Lot 26R of Block 3 of Westview Estates, said point being coincident with the southwest corner of Lot R of Block 3 of Westview

Estates, and said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot R of Block 3 of Westview Estates, N89°48'06"E, a distance of 130.02 feet more or less, to the point of beginning.

Dated this 20th day of November, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

138. No. 06PL168 - A request by Jean-Francois and Michelle Julien for a **Layout Plat** on Lots 6A and 6B, Long Acres Square Subdivision, formerly Lot 6, except the west 91.5 feet, Long Acre Square Subdivision, Section 8, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 6, except the west 91.5 feet, Long Acre Square Subdivision, Section 8, T1N, R8E, BHM, Pennington County, South Dakota, located at 2111 South Valley Drive. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures; 2. 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; 3. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Perrine Drainage Basin Design Plan shall be submitted for review and approval. In particular, the drainage plan shall include calculations demonstrating that developed flows from the site do not exceed pre-developed flows. In addition, the plat document shall be revised to provide drainage easements as necessary; 4. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval; 5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall also be revised to provide utility easements as needed; 6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, a water system analysis shall be submitted demonstrating that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed; 7. Upon submittal of a Preliminary Plat, road construction plans for S. Valley Drive shall be submitted for review and approval. In particular, the road 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. In addition, the plat document shall be revised to show the dedication of five additional feet of right-of-way or a Variance to the Subdivision Regulations shall be obtained; 8. Upon submittal of a Preliminary Plat, road construction plans for Long Acre Drive shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 4.5 additional feet of right-of-way or a Variance to the Subdivision Regulations shall be obtained; 9. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met; 10. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 11. Prior to submittal of a Final Plat application, the shed(s) shall be relocated to provide the minimum required setback(s) as per the Pennington County Zoning Ordinance. In addition, upon dedication of the additional right-of-way for Long View Drive and S. Valley Drive, Variances shall be obtained as needed to reduce the setback(s) for the existing single family residence and attached garage or the minimum required setback(s) shall be provided; 12. 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; 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; and, 14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

END OF CONSENT CALENDAR

The Mayor presented No. LF080206-04A, Approve the addition of the following language to the top of the Application for City License: "Notice: Failure to Disclose Any Criminal or Traffic Offenses May Result in the Denial of this License by the Rapid City Common Council" and to strike the words "arrested or" under the subtitle labeled "Legal". Johnson moved, second by Hurlbut to approve. Responding to a question from Alderman Chapman, Alderman Hurlbut indicated that a 20-year old arrest of an individual caused the Police Department to deny a license to operate a Second Hand store. Hurlbut believed that the City Council needed to look at the application and the process because he is convinced that going back indefinitely is okay, but he is concerned that it is fundamentally unfair to ask for someone's entire life history. City Attorney Green advised that the Council should not ignore readily available information in making these decisions as to whether or not individual applicants are of fit character to hold one of the City's licenses -- Security Guard, Taxi Driver, Second Hand, Pawn Broker, and Metals and Gems Dealer. He indicated that these all have some element of interaction with the

criminal element in society, so there is an overriding public safety concern with regard to these occupations. Green noted that the individual in a particular instance did not avail himself of the appeal process, which is come before the City Council for their consideration. He suggested that it is not wise to drive public policy decisions based on actions of half complete processes. The underlying purpose of the ordinance is to foster public safety and confidence in those people that engage in these professions; and when the City issues them a license that says yes this person is fit to hold this position. City Attorney Green advised that there are two items contemplated in the action -- the first is copying the warning at the beginning of the application rather than at the end of the application.

Substitute motion was made by Hadcock, second by Chapman to approve the addition of the following language to the top of the Application for City License: "Notice: Failure to Disclose Any Criminal or Traffic Offenses May Result in the Denial of this License by the Rapid City Common Council"; and reject the deletion of "arrested or".

Second substitute motion was made by Johnson, second by Okrepkie to divide the question. Motion carried.

Upon a vote being taken on the motion to add the language to the tope of the Application for City License, motion carried.

City Attorney Green, responding to a question from Alderman Kroeger, explained that if there was information available and the Council has deleted this requirement from the application, there is a strong argument that could be made that the information could not be relied upon by the Council in making its decision. If challenged, there is the likelihood that the City would be in trouble with that portion of the ordinance. Responding to a comment from Alderman Johnson about including language that indicates that all criminal history may be utilized in determining licenses, City Attorney Green indicated that criminal history implies there is a criminal conviction. In response to a question from Alderman Chapman, Green indicated that the language in the referenced caption is a general caveat to the applicant. He explained that when you get down to the specific instructions of what must be disclosed, it is important not to use the general description "criminal activity" but rather to say specifically arrests and convictions. Alderman Kooiker asked staff to identify how many denials have occurred as a result of an arrest as opposed to a conviction.

Kooiker moved, second by Hurlbut to refer the issue of the deletion of "arrested or" to the November 29, 2006 Legal & Finance Committee meeting for further information. Motion carried with Chapman and Hadcock voting NO.

NON-CONSENT ITEMS – Items 139 - 160

ORDINANCES

Ordinance No. 5213 (No. 06RZ060), a request by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on Tract B, Meadow View Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Catron Boulevard and South Hill Subdivision and East of U. S. Highway 16 was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5213 be placed upon its first reading

and the title was fully and distinctly read and second reading set for Monday, December 4, 2006 at 7:00 P.M.

Ordinance No. 5214 (No. 06RZ061), a request by Dream Design International, Inc. for a **Rezoning from General Commercial District to Light Industrial District** on Lot 1 B of Starlite Subdivision located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on the southeast corner of Beale Street and Dyess Avenue and north of Eglin Street was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5214 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 4, 2006 at 7:00 P.M.

Ordinance No. 5215 (No. 06RZ062), a request by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on NE1/4 SW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of U. S. Highway 16 and south of Sammis Trail was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5215 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 4, 2006 at 7:00 P.M.

Ordinance No. 5180 (No. LF083006-17), Establishing Budgetary Controls by Amending Chapter 2.04 of the Rapid City Municipal Code have passed first reading on September 5, 2006, Okrepkie moved, second by Kroeger that the title be read the second time. The following voted AYE: Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None, whereupon the Mayor declared the motion passed and Ordinance No. 5180 was declared duly passed upon its second reading.

PUBLIC HEARING ITEMS – Items 143-153

Chapman moved, second by Olson and carried to open the public hearing for comments.

Dawn Mazzio, Rapid City addressed item 153 (06RZ059) explaining that the developer is proposing fourteen houses, but there is no plan and the rule of 40 comes into play. Mazzio noted there is only one egress/ingress for this area. She indicated concern that the development of her property will only be allowed one house. Fred Weishaupl, Springbrook Acres Water Users Association addressed item 153 (06RZ059) indicating that the Association does not oppose the rezoning, but is only concerned about the rule of 40 and only one access. He pointed out that the Major Street Plan indicates a road through the open space in Springbrook Acres. The association has 112 acres of open space and the most useable is north of the property in question. He indicated that the Association does not want nor do they need a road through the open space. He noted that all streets with their development are private. He pointed out that there is limited space for an access to the west or east.

Johnson moved, second by LaCroix and carried to close the public hearing.

The Mayor presented No. 06RZ038, second reading of Ordinance No. 5198, a request by City of Rapid City and DTH LLC for a **Rezoning from Medium Density Residential to Public** on Tract H, McMahon Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Champion Drive and east of Vicki Powers Park. Notice of hearing was published in the Rapid City Journal on October 21, 2006 and October 28, 2006. Ordinance No. 5198 having had the first reading on October 16, 2006, Okrepkie moved, second

by LaCroix that the title be read the second time. The following voted AYE: Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5198 the second time.

The Mayor presented No. 06RZ039, second reading of Ordinance No. 5199, a request by Fisk Land Surveying & Consulting for Harley Taylor for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), said point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision, S00°00'48"E, a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3, of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision, S00°03'36"W, a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11 of Block 3 of Wildwood Subdivision, S32°53'42"W, a distance of 67.03 feet more or less, to the westerly corner of said Lot 11 of Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 12 of Block 3 of Wildwood Subdivision, S32°58'25"W, a distance of 65.94 feet more or less, to the northwest corner of said Lot 12 in Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 13R of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence, S90°00'00"W, a distance of 704.97 feet more or less; thence, North, a distance of 747.30 feet more or less; thence, N69°00'53"W, a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of 02°26'04", an arc length of 20.92 feet more or less, and a chord bearing of S25°13'48"W, and a chord distance of 20.91 feet, more or less; thence, N63°33'10"W, a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of 09°44'59", an arc length of 66.75 feet more or less, and a chord bearing of N21°34'20"E, and a chord distance of 66.67 feet, more or less; thence, S83°00'00"W, a distance of 363.67 feet more or less; thence, S04°41'43"E, a distance of 202.00 feet more or less; thence, S35°35'41"W, a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence, S89°47'34"W, a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line, N00°12'26"W, a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the

south line of said Lot 9 of Block 5 of Westview Estates and along the south line of Lot 1 of Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177), N89°47'51"E, a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot One (1) of Block Five (5) of Westview Estates, N89°46'54"E, a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates and along the south line of Carriage Hills Drive right-of-way, N89°51'26"E, a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°50'31"E, a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°48'02"E, a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°52'45"E, a distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°46'22"E, a distance of 165.37 feet more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°48'13"E, a distance of 134.59 feet more or less, to the southeast corner of said Lot 26R of Block 3 of Westview Estates, said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates, and said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot R of Block 3 of Westview Estates, N89°48'06"E, a distance of 130.02 feet more or less, to the point of beginning, located at the southern terminus of Carriage Hills Drive. Notice of hearing was published in the Rapid City Journal on October 21, 2006 and October 28, 2006. Ordinance No. 5199 having had the first reading on October 16, 2006, Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5199 the second time.

The Mayor presented No. 06RZ041, second reading of Ordinance No. 5206, a request by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on a parcel of land located in the NE1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4, SE1/4 SE1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of the intersection of Tartan Court and Catron Boulevard. Notice of hearing was published in the Rapid City Journal on November 11, 2006 and November 18, 2006. Ordinance No. 5206 having had the first reading on November 6, 2006, Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5206 the second time.

The Mayor presented No. 06RZ042, second reading of Ordinance No. 5201, a request by City of Rapid City for a **Rezoning from No Use District to General Commercial District** on a parcel of land located in the E1/2 SE1/4 SE1/4 SW1/4 SW1/4; SW1/4 SW1/4 SE1/4 SW1/4; W1/2 SE1/4 SW1/4 SE1/4 SW1/4; S1/2 NW1/4, SW1/4 SE1/4 SW1/4; SW1/4 NE1/4, SW1/4 SE1/4 SW1/4; all less R & L Subdivision, less a strip of land 80 foot wide adjacent and parallel to the southeast line of Lot 3, R & L Subdivision, less a strip of land 100 feet wide adjacent and parallel to north boundary of I90 and less right-of-way, all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Interstate 90 and east of Harley Drive. Notice of hearing was published in the Rapid City Journal on October 21, 2006 and October 28, 2006. Ordinance No. 5201 having had the first reading on October 16, 2006, Okrepkie moved, second by Johnson that the title be read the second time. The following voted AYE: Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5201 the second time.

The Mayor presented No. 06RZ043, second reading of Ordinance No. 5207, a request by City of Rapid City for a **Rezoning from No Use District to Light Industrial District** on Lot B of the W1/2 SW1/4, less Lot H1; and Lot Y of Lot H2 of the SW1/4 less Lot H1 and H2, all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Deadwood Avenue and Interstate 90. Notice of hearing was published in the Rapid City Journal on November 11, 2006 and November 18, 2006. Ordinance No. 5207 having had the first reading on November 6, 2006, Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5207 the second time.

The Mayor presented No. 06RZ044, second reading of Ordinance No. 5208, a request by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on SW1/4 NW1/4, W1/2 SW1/4, Section 23, T2N, R7E; W1/2 NW1/4 lying North of Interstate 90, Section 26, T2N, R7E; the unplatted portion of N1/2 lying north of Interstate 90, Section 27, T2N, R7E; and, all of Section 22 lying north of Interstate 90 less Lot 1 thru 3 of R & L Subdivision and less Lot 1R Revised and Lot 2R Revised of Summit Industrial Park, all located in Section 22; and less Lot B of W1/2SW1/4 less Lot H1 and Lot Y of Lot H2 of SW1/4 less Lot H1 and Less Lot H2, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and less E1/2, SE1/4 SE1/4, SW1/4 SW1/4; SW1/4 SW1/4, SE1/4 SW1/4; W1/2 SE1/4, SW1/4 SE1/4 SW1/4; S1/2 NW1/4, SW1/4 SE1/4 SW1/4; SW1/4 NE1/4, SW1/4 SE1/4 SW1/4; All less R & L Subdivision, less a strip of land 80' wide adjacent and parallel to SE line of Lot 3, R & L Subdivision, less a strip of land 100 ' wide adjacent and parallel to north boundary of I-90 and less ROW, all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Deadwood Avenue and Interstate 90. Notice of hearing was published in the Rapid City Journal on November 11, 2006 and November 18, 2006. Ordinance No. 5208 having had the first reading on November 6, 2006, Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5208 the second time.

The Mayor presented No. 06RZ053, second reading of Ordinance No. 5204, a request by Dream Design International, Inc. for a **Rezoning from Public District to Low Density Residential District** on Lots 1 thru 6, Tract A, Lots 7 and 8, Tract B, all of Lot 1 of New Park Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and South of Kathryn Avenue. Notice of hearing was published in the Rapid City Journal on October 21, 2006 and October 28, 2006. Ordinance No. 5204 having had the first reading on October 16, 2006, Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5204 the second time.

The Mayor presented No. 06RZ055, second reading of Ordinance No. 5205, a request by CETEC Engineering Services, Inc. for Generations, Inc. for a **Rezoning from General Agriculture District to Office Commercial District** on the south 495 feet of the NE1/4 SE1/4, less Lot 1 of Bendert Subdivision; and the SE1/4 SE1/4 of Section 22, Unplatted, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to Golden Eagle Drive between Catron Boulevard and U.S. Highway 16. Notice of hearing was published in the Rapid City Journal on October 21, 2006 and October 28, 2006. Ordinance No. 5205 having had the first reading on October 16, 2006, Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5205 the second time.

The Mayor presented No. 06RZ056, second reading of Ordinance No. 5210, a request by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the unplatted balance of the NW1/4 NE1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Catron Boulevard and east of U.S. Highway 16. Notice of hearing was published in the Rapid City Journal on November 11, 2006 and November 18, 2006. Ordinance No. 5210 having had the first reading on November 6, 2006, Okrepkie moved, second by Johnson that the title be read the second time. The following voted AYE: Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5210 the second time.

The Mayor presented No. 06RZ057, second reading of Ordinance No. 5211, a request by John Skulborstad for a **Rezoning from Park Forest District to Office Commercial District** on Lot 1, Vista Lake Subdivision No. 2, located in the NE1/4 SW1/4 and the N1/2 SE1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4600 Jackson Boulevard. Notice of hearing was published in the Rapid City Journal on November 11, 2006 and November 18, 2006. Ordinance No. 5211 having had the first reading on November 6, 2006, Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5211 the second time.

At 8:24 P.M. Alderman Schumacher entered the meeting.

The Mayor presented No. 06RZ059, second reading of Ordinance No. 5212, a request by John Diedrichs and Kirk Wermager for a **Rezoning from Park Forest District to Low Density**

Residential District on Lot 1R of Tract B; Lot 2R2 of Tract B; Woodford Dr., a private drive and utility easement; all located in Springbrook Acres, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Golden Eagle Drive. Notice of hearing was published in the Rapid City Journal on November 11, 2006 and November 18, 2006. Ordinance No. 5212 having had the first reading on November 6, 2006, Okrepkie moved, second by LaCroix for discussion purposes, to approve. In response to a question from Alderman Kooiker, Growth Management Director Elkins explained that the Major Street Plan indicates the open space as the most rational site for a roadway to access the area in question. Elkins indicated that there are limited opportunities for access. Because there is no specific proposal or plan submittal, Elkins indicated there is nothing for the Fire Department to review. She pointed out that staff is cognizant of the 40-unit requirement. Upon a roll call vote on the motion to approve, the following voted AYE: Schumacher, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Hurlbut, and Hadcock; NO: Olson and Okrepkie; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5212 the second time.

LEGAL & FINANCE COMMITTEE ITEMS

Okrepkie moved, second by LaCroix to acknowledge the Performing Arts Coalition (Community Theatre) report. Alderman Chapman asked the Performing Arts group to look at the site across from Prairie Edge, which is currently City parking. Alderman Johnson indicated that he needed to see some attempt at fund raising for this venture. He indicated that he is aware the intended facility size will be reduced, possibly eliminating the areas for storage, office space, and rehearsal; and suggested that there may be an attempt to build this facility in phases and access future 2012 funds for other phases. He pointed out that the Council did not buy into such a concept of a phased project. He indicated he would not support a reduced facility or setting aside design funds until such time as there is sufficient proof that there is the ability to raise funding. Mayor Shaw reported on a recent meeting with the Journey Museum Board and discussions about developing a cultural complex adjacent to the museum that could include the Performing Arts Center and the ATTA Pow Wow Gardens. Mayor Shaw indicated that he believed the Journey Museum Board could begin this research and report their efforts to the City Council. Alderman Johnson reminded the Council that during the last round of 2012 discussions, he had brought forward an idea to move the Dahl and the theater to the Journey location. He believed it made good sense to put an arts and cultural center in this location. Alderman Okrepkie asked the Council to support a request to release some of the 2012 funds for the design of a project. The design of a project will allow the group to raise the needed funds for the construction. Alderman LaCroix supported the idea of locating the theater at the Journey site and suggested this would increase the attendance at the museum. Upon a vote on the motion to acknowledge the report, motion carried.

Okrepkie moved, second by Johnson to acknowledge the Adams Street facility 11-6-19 review report. Growth Management Director Elkins indicated that Pennington County is requesting a continuation before the Planning Commission as Sheriff Holloway is unavailable for the meeting. Elkins indicated this item could be continued to the December 8, 2006 Planning Commission meeting. Responding to a question from Alderman Kooiker, Mayor Shaw indicated there continues to be informal discussion between the City and County on the inappropriateness of the location of this facility for work release inmates. During these discussions the County has disclosed that they do not have the funding to build another facility in a different location. Alderman Kroeger indicated his desire to deny the request from Pennington County for a permanent use rather than a temporary use.

Olson moved, second by Hadcock to call the question. Upon a roll call vote, the following voted AYE: Olson and Hadcock; NO: Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, and Hurlbut. Motion failed. Elkins, responding to a question from Alderman Kooiker, indicated that the Planning Commission does not have the authority to amend the application and can only act on what is being presented. Elkins noted that the last time this was before the Planning Commission, the Sheriff modified the request for a one-year time period. Alderman Kooiker wondered whether Sheriff Holloway would be open to a six month or one-year extension to allow discussion to continue, knowing that the make up of the Pennington County Commission is going to change and the new commissioners may have a different view

Substitute motion was made by Kooiker, second by Hurlbut to ask the City to draft a letter to the County asking that their application be amended to a lesser timeframe, six-month or one-year, to allow additional discussions to continue. Motion carried.

Okrepkie moved, second by LaCroix to (No. LF111506-10) approve a Resolution Establishing Fees for the Rapid City Municipal Swimming Pools.

RESOLUTION ESTABLISHING RATES FOR THE
RAPID CITY AQUATICS DIVISION

BE IT RESOLVED by the City of Rapid City that the following rates are established for the Rapid City Aquatics Division, effective January 1, 2007.

Daily Passes	All Pool	Horace Mann Pool
Adult	\$5.00	\$3.50
Youth (2-17)	\$4.00	\$2.50
Senior (60+)	\$3.50	\$2.50
Family	\$9.00	\$7.00
Group Rate (30+)	\$3.25	\$2.50
10 Punch Passes	All Pool Pass	Outdoor Pool Pass
Adult	\$45.00	\$31.25
Youth (2-17)	\$36.00	\$24.50
Senior (60+)	\$31.50	\$21.25
Family (4 Passes)	\$105.25	\$74.25
Additional Family	\$12.75	\$10.50
20 Punch Passes	All Pool Pass	Outdoor Pool Pass
Adult	\$65.00	\$42.75
Youth (2-17)	\$52.00	\$33.25
Senior (60+)	\$45.50	\$28.50
Family (4 Passes)	\$152.00	\$98.50
Additional Family	\$24.75	\$19.00
Quarterly Passes	All Pool Pass	Outdoor Pool Pass
Adult	N/A	\$52.50
Youth (2-17)	N/A	\$42.00
Senior (60+)	N/A	\$35.00

Family (4 Passes)	N/A	\$106.00
Additional Family	N/A	\$21.25
Yearly Passes	All Pool Pass	
Adult	\$267.25	
Youth (2-17)	\$206.00	
Senior (60+)	\$182.00	
Family (4 Passes)	\$481.25	
Additional Family	\$48.25	
Gold Pass		
Yearly	\$300.16	
Family Yearly	\$520.69	
Racquetball Passes		
Daily	\$3.00	
10 Punch	\$27.00	
20 Punch	\$45.00	
Quarterly	\$95.40	
Yearly	\$213.00	

Dated this 20th day of November, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

In response to questions from Alderman Kooiker, Parks & Recreation Director Cole indicated that this resolution proposes a percentage increase over and above the six percent increase. Cole outlined the increased costs in the aquatic environment at forty-eight percent for electricity; twenty-one percent for gas, chemicals and manpower; and two hundred thirty-nine percent for insurance for the current year. He indicated that without the increases they will not make revenue for 2007 at the subsidy level that was turned in for the budget. He pointed out that there are different percentage rates in each of the areas, some are eleven percent, fourteen percent, some are more than that and some are less. Cole noted that attendance has increased over the past two and one-half years and there are days that the capacity is at the maximum and no new revenue can be generated on those days. He indicated that there is a twelve percent increase in bather participation, but the indoor pool has experienced only a two percent increase in bather participation. Alderman Kooiker cautioned the Council in implementing a large percentage increase, and suggested that there is not enough incentive built into the rate structure to encourage the purchase of annual passes. Kooiker asked the Council to consider a six percent, across the board, increase and discuss the rates before the summer.

Cole pointed out that no extra income will be received from the sale of the annual passes, if the Council waits to put in the increase. At a minimum, Cole strongly suggested increasing the daily fees as they have not been increased for two years. Upon a roll call vote to approve, the

following voted AYE: Kroeger, Chapman, Johnson, Okrepkie, Hurlbut, Hadcock, and Olson; NO: Kooiker, LaCroix, and Schumacher. Motion carried.

PUBLIC WORKS COMMITTEE ITEMS

Olson moved, second by Chapman to (No. PW111406-02), approve the award of an Informal Quote for Parkview Softball Complex Dug-Out Covers to Dakota Craft, Inc. in the amount of \$8,079.17. Public Works Director Jablonski indicated that the appropriation of 2012 funds for this project is \$40,000 and to date \$20,500 has been spent. The Softball Association initially asked for quotes to install the covers, but decided to purchase materials separately and through some volunteer efforts install the covers. Motion carried.

Olson moved, second by LaCroix to (No. CC110606-02) deny the bid award for Bus Bench Advertising for Rapid Transit, opened November 1, 2006. Substitute motion was made by Johnson, second by Hurlbut to reject the bids. Alderman Olson suggested that this is a way to rid the community of a large number of billboards. Olson indicated the Beautification Committee is in support of the proposal to have the City purchase park benches that would not reflect advertising. Olson pointed out that rejecting the bids does not eliminate the benches as they are a necessary part of the bus stops throughout the community. Mayor Shaw indicated that there will be some dollars that will need to be expended, and the estimated net cost to the City is approximately \$10,000, plus some additional cost for maintenance, such as cleaning off graffiti. The cost to the City is twenty percent and eighty percent for federal transit money. Finance Officer Preston indicated that with the 80 / 20 split, the initial purchase cost is estimated at \$10,000, and maintenance at \$20,000 per year which is a 50 / 50 split. Public Works Director Jablonski requested formal direction from the Council, if the bids are rejected, to prepare a proposal for Council consideration. Alderman Johnson indicated that he sees this as an opportunity for a nonprofit organization to profit from the sale of advertising on these benches. He suggested the benches would be City-owned and revenues could be split with the City. Alderman Kroeger indicated that it did not make good sense to eliminate the advertising on the bus benches and still allow the Transit buses to remain as mobile billboards. In response to a question from Alderman Kooiker, Jablonski explained that Lamar owns the benches and could remove them January 1, 2007; and without a contract, the benches could still be in their locations and the City would not be collecting the revenue. Lamar could still have their advertising privileges. Jablonski suggested approaching the owners of the benches to determine their willingness to extend the contract for a period of time. Alderman Kooiker commented that there are a number of people with disabilities in the community that do not qualify for Dial-A-Ride, but use the bus service. He indicated that he did not want to be in a position that a person with a disability can not use the bus system because the bus benches were removed.

Second substitute motion was made by Hadcock, second by Olson to reject the bids and refer the Bus Benches for Rapid Transit to the November 28, 2006 Public Works Committee meeting. Upon a roll call vote, the following voted AYE: Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, Hadcock, and Olson; NO: Schumacher and Kroeger. Motion carried.

Olson moved, second by Hadcock to approve No. 06EX074, a request for an Exception to Section 3.2.2 of the City of Rapid City Street Design Criteria Manual to increase the maximum street grade from 10 percent to 15 percent, associated with Plat File No. 06PL170. Motion carried with Olson and Chapman voting NO.

MAYOR'S ITEMS

Mayor Shaw reported on a recent visit to the Pine Ridge Reservation by he, members of the Chamber of Commerce, Convention and Visitors Bureau, and several hotels to host a luncheon for the Pine Ridge community. They conveyed the message that the Rapid City community is appreciative of the close relationship with the Pine Ridge communiity and desires to continue that close relationship.

Mayor Shaw brought forward an informal request from the United Downtown Association has to have free parking on Saturdays during the holiday season. Alderman Schumacher reminded the Council of previous discussions when the UDA indicated they did not favor free parking because it encouraged people to park all day and potential customers would be discouraged because they could not find a parking space. City Attorney Green indicated this request would require an ordinance amendment. No action was taken on this request.

COUNCIL ITEMS & LIAISON REPORTS - Motion for Delivery of Items from Committee

Kooiker moved, second by Schumacher to direct the Legal and Finance Committee to deliver the recommendation from the Code Enforcement Task Force to the Council at its December 4, 2006 regular meeting. Upon a roll call vote, the following voted AYE: LaCroix, Schumacher, Kroeger, and Kooiker; NO: Chapman, Johnson, Okrepkie, Hurlbut, Hadcock, and Olson. Motion failed.

PUBLIC HEARING ITEMS – Items 161-208

Chapman moved, second by Johnson and carried to open the public hearing for comments.

Steven Brenden, Rapid City addressed item 181 (No. 06RZ040) indicating that because of the close proximity of a school, this is not good safety planning and suggested Office Commercial would be a better designation. Brenden also addressed item 205 (No. 06SV057) indicating that the reduction to twelve feet on the pavement width is going too far, and suggested this is a fire lane. Michelle Schwietzer, Dream Design International addressed item 204 (No. 06SV035) asking for clarification of the stipulations. Hani Shafai, Dream Design International addressed item 205 (No. 06SV075) indicating that he concurs with staff recommendation and that the twenty feet is adequate for the fire lane. Shafai also addressed item 208 (No. 06SV064) indicating that the water line was part of an assessed project in 1999; and as part of that project there was approximately 3,600 feet of eight inch water main as a City project. The owner of the property being platted has been assessed \$7,700 to pay for the water main. Six feet of the water main could not be constructed because a construction easement could not be obtained from the neighbor to the north. At this time, to construct that additional six feet of water main will still require the construction easement. Shafai noted that to construct the additional six feet would cost approximately \$200.

CONTINUED PUBLIC HEARINGS CONSENT ITEMS – Items 161 - 190

The following items were removed from the Continued Consent Calendar:

165. No. 06PL082 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1, 2 and 3, Seljeskog Subdivision, located in the SE1/4 NE1/4 NE1/4 SE1/4, Section

15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land described as the SW1/4 SE1/4 SE1/4 NE1/4; SE1/4 SW1/4 SE1/4 NE1/4; NW1/4 NE1/4 NE1/4 SE1/4; NE1/4 NW1/4 NE1/4 SE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2151 Skyline Ranch Road.

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

Continue the following items until December 4, 2006:

161. No. 06CA028 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to amend the Major Street Plan to change an arterial street to a collector street, to eliminate a collector street and to relocate a collector street** on Parcel 1 thru 15 and detention ponds, Rushmore Crossing, Sections, 29, 30, 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as DESCRIPTION No. 1: Lot BR of Lot 2 of the SE1/4 SW1/4, Section 29 in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 15, Page 103; DESCRIPTION No. 2: Lot C of Lot 2 of the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 15, Page 103; DESCRIPTION No. 3: Tract C of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 11, Page 68; DESCRIPTION No. 4: that portion of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, lying South of Lot H3 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 109 and lying South of Lot H1 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 113 and lying South of Lot H2 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 292 and lying South of Lot H4 of said SW1/4 as shown on the plat filed in Highway Plat Book 10, Page 150 (Interstate 90 right-of-way) and lying North of the Railroad right-of-way; excepting therefrom Lot A of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 10, Page 122; AND excepting therefrom Tract C of said SW1/4, as shown on the plat filed in Plat Book 11, Page 68; and excepting therefrom Lot IR, Lot BR of Lot 2 and Lot C of Lot 2 of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 15, Page 103; and excepting therefrom the W1/2 SW1/4 SW1/4 SW1/4 lying North of said Tract C; DESCRIPTION No. 5: that portion of the N1/2 SE1/4 lying South of Lots H1 and H2 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 3, Page 288 and lying South of Lot H3 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 148 (Interstate 90 right-of-way) and the N1/2 NE1/4 SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom Lot D of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 70; and excepting therefrom Lots E and M of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 71; and excepting therefrom Lots C and L of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 8, Page 132; and excepting therefrom Tract 1 of Flack - Hendricksen Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 16, Page 205; and excepting therefrom Lots 1 and 2 in Block 2 of Rapps Addition of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 23, Page 166; and excepting therefrom Lots 1 and 2 of Bedco Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 26, Page 61; and excepting therefrom any dedicated streets, avenues or alleys lying within said plats; and excepting therefrom the Lot HI of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; and excepting therefrom that portion of the SE1/4 NW1/4 SE1/4 and that portion of the SW1/4 NE1/4 SE1/4 lying south of said Lot

H1 of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; DESCRIPTION No. 6: Lot 1R, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 7: Lot 1 of the SW1/4 SE1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 8: Lot A of lot 2, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 9: A portion of the unplatted portion of the SE1/4 NW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 10: the unplatted portion of the SW1/4 NE1/4 SE1/4, Section 30, lying south of Lot H1, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 11: the unplatted portion of the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 12: the unplatted portion of the SE1/4 SE1/4 and excepting therefrom the N1/2 NE1/4, SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 13: the W1/2 SW1/4, SW1/4 SW1/4, Section 29, lying north of Tract C, T2N, R8E, BHM, Pennington County, South Dakota and, DESCRIPTION No. 14: the Farnwood Avenue Right of Way, located in the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota, located south of I-90 between North LaCrosse Street and East North Street.

162. No. 06CA036 - A request by CETEC Engineering Services, Inc. for Franklin O. Simpson for an **Amendment to the Comprehensive Plan to revise the Major Street Plan to relocate a minor arterial street** on a parcel of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, said point being monumented with an Iron rod; Thence S72°10'55"W along the Right-of-Way of Harmony Heights Lane a distance of 319.49 feet to a point; Thence along the Right-of-Way of Harmony Heights Lane through a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27; Thence N89°41'23"E 114.61 feet along said South line to a point on the East line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27 monumented with an Iron rod; Thence N89°55'39"E 390.12 feet along the South line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26 to a point; Thence N00°01'21"W 325.13 feet to a point; Thence S89°58'39"W 122.54 feet to a point; Thence N24°44'05"E 64.04 feet to a point on the 125 foot radius non-tangent curve of said Tract B that concaves to the Northeast; Thence along said curve to a chord intersect point N41°33'15"W at a distance of 100.51 feet; Thence N17°50'42"W 113.81 feet along the west line of said Tract B to the Point of Beginning, located south of Harmony Heights Lane.
163. No. 06CA041 - A request by Sperlich Consulting, Inc. for B&T Investments for an **Amendment to the Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development** on a portion of the SE1/4 of the SE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the northeasterly corner of the dedicated right-of-way of Severson Street as shown in Plat Book 29 on Page 128, and the Point of Beginning; Thence, first course: easterly, along the prolongation of the northerly boundary of Lot 3 of Corral Drive Subdivision, a distance of 470.00± feet, to a point on the westerly edge of the right-of-way of Lot H1 of the SE1/4 SE1/4 of said Section 16 (westerly edge of Sheridan Lake Road Right-of-Way); Thence, second course: southerly, along the westerly edge of the right-of-way of said Lot H1 of

the SE1/4 SE1/4 of said Section 16, a distance of 370.00± feet, to an angle point on the westerly edge of said Lot H1 of the SE1/4 of the SE1/4 of said Section 16; Thence, third course: southwesterly, along the westerly edge of the right-of-way of said Lot H1 SE1/4 SE1/4 of said Section 16, a distance of 78.65± feet to an angle point on the westerly edge of said Lot H1 of the SE1/4 SE1/4 of said Section 16; Thence, fourth course: southerly, along the westerly edge of the right-of-way of said Lot H1 of the SE1/4 SE1/4 of said Section 16, a distance of 84.65± feet to the southwesterly corner of the right-of-way of said Lot H1 SE1/4 SE1/4 of said Section 16, common to a point on the northerly boundary of Lot 1 of the SE1/4 SE1/4 of Section 16 (Corral Drive right-of-way); Thence, fifth course: westerly, along the northerly boundary of said Lot 1 of the SE1/4 SE1/4 of Section 16, a distance of 345.47± feet, to the southeasterly corner of the right-of-way of said Severson Street; Thence, sixth course: northerly, along the easterly edge of the right-of-way of said Severson Street, a distance of 89.41± feet, to a point of curve along the easterly edge of the right-of-way of said Severson Street; Thence, seventh course: northerly, along the easterly edge of the right-of-way of said Severson Street, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 09 21'07", an arc length of 44.72± feet, to a point of tangency along the easterly edge of the right-of-way of said Severson Street; Thence, eighth course: northerly, along the easterly edge of the right-of-way of said Severson Street, a distance of 366.70± feet, to the northeasterly corner of the dedicated right-of-way of said Severson Street, and the Point of Beginning, located at the northwest corner of the intersection of Sheridan Lake Road and Corral Drive.

164. No. 06PL028 - A request by Davis Engineering, Inc. for Bernita White for a **Preliminary Plat** on Lots A1 and A2 of Bar P-S Subdivision, located in the W1/2 SW1/4, formerly Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota, located adjacent to the south west curve of North Airport Road.
166. No. 06PL087 - A request by Centerline, Inc. for PLM Development, LLC for a **Preliminary Plat** on Lots 16 thru 35, Block 1; Lots 17 thru 38, Block 2; and Lots 1 thru 6 in Block 4, PLM Subdivision, formerly a parcel of land located in the NW1/4, Section 24; and the SW1/4 SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NW1/4, Section 24; and the SW1/4 SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Minnesota Street and West of Fifth Street.
167. No. 06PL090 - A request by Dream Design International for a **Preliminary Plat** on Lots 1 thru 5 of Block 1, Lots 1 thru 10 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 and 26 of Block 6, Lot 1 of Block 7, Lots 1 and 36 thru 41 of Block 8, Lots 1 thru 11 of Block 9, Lots 1 thru 13 of Block 10, Lots 1 thru 30 of Block 11 and Lot A and Lots 1 thru 23 of Block 12 and Dedicated Right-of-Way, Elks Meadows Subdivision, located in the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, located east of the intersection of Elk Vale Road and Old Folsom Road.
168. No. 06PL103 - A request by CETEC Engineering, Inc. for Park Hill Development, Inc. for a **Preliminary Plat** on Lots 18 thru 35, Block 2; Lots 14 thru 25, Block 5; and the

dedicated public right-of-way, Park Meadows Subdivision, located in the SW1/4 NE1/4, SE1/4 NE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 NE1/4, SE1/4 NE1/4, less the Right-of-Way, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Smith Avenue.

169. No. 06PL108 - A request by DGM Development for a **Preliminary Plat** on Lots 1 thru 190, Madison's Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 10 and 11, Madison's Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4325 and 4385 Haines Avenue.
170. No. 06PL117 - A request by Ferber Engineering Co, Inc. for FMLC, Inc. for a **Preliminary Plat** on Lots 1 and 2, East Mall Business Center Subdivision, formerly a parcel of land located in the NE1/4, Section 30, lying north of Rushmore Mall Drive; Lot C of Lot L2, less Lot H1 and W1/2 vacated March Avenue adjacent to Lot C; and the unplatted part of the W1/2 NE1/4, lying south of Rushmore Mall Drive and the E1/2 vacated March Avenue, all located in the NE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NE1/4, Section 30, lying north of Rushmore Mall Drive; Lot C of Lot L2, less Lot H1 and W1/2 vacated March Avenue adjacent to Lot C; and the unplatted part of the W1/2 NE1/4, lying south of Rushmore Mall Drive and the E1/2 vacated March Avenue, all located in the NE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Mall Drive and LaCrosse Street.
171. No. 06PL123 - A request by Renner Associates for Rande Robinson for a **Layout Plat** on Lots 9R and 10R, formerly Lots 9 and 10, Cambell Square Addition, located in Government Lot 4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 9 and 10, Cambell Square Addition, located in Government Lot 4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1410 Centre Street.
172. No. 06PL132 - A request by CETEC Engineering for Franklin O. Simpson for a **Layout Plat** on Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A and 11B of Block 3, Vacation of Public Access Easement, and dedicated public right-of-way of Fountain Springs Park Subdivision, located in the NW1/4 SW1/4, Section 26, and the NE1/4 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows; Beginning at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, Said point being monumented with an Iron rod; Thence S72°10'55"W along the Right-of-Way of Harmony Heights Lane a distance of 319.49 feet to a point; Thence along the Right-of-Way of Harmony Heights Lane through a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27; Thence N89°41'23"E 114.61 feet along said South line to a point on the East line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27 monumented with an Iron rod; Thence N89°55'39" E 390.12 feet along the South line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 26 to a point; Thence N00°01'21"W 325.13 feet to a point; Thence S89°58'39"W

122.54 feet to a point; Thence N24°44'05"E 64.04 feet to a point on the 125 foot radius non-tangent curve of said Tract B that concaves to the Northeast; Thence along said curve to a chord intersect point N41°33'15"W at a distance of 100.51 feet; Thence N17°50'42"W 113.81' along the West line of said Tract B to the Point of Beginning, located southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive.

173. No. 06PL133 - A request by Sperlich Consulting, Inc. for Doeck, LLC for a **Preliminary Plat** on Lots 16 thru 23, Block 1; Lots 1 thru 5, Block 3; Lots 1 thru 10, Block 4; Lots 1 thru 16, Block 5; Lots 1 thru 6, Block 6; and drainage Lot 1, Brookfield Subdivision, formerly a portion of the NE1/4 SE1/4, Section 13, located in the NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 SE1/4, Section 13, located in the NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Three Rivers Drive.
174. No. 06PL150 - A request by D. C. Scott Surveyors, Inc. for Gary Rossow for a **Preliminary Plat** on Lot GR and Lot HR2, formerly Lot G and the south 53.1 feet of Tract 3, and Lot HR, located in the SE1/4 NW1/4, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot G and the south 53.1 feet of Tract 3, and Lot HR, located in the SE1/4 NW1/4, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on the west side of Red Rock Canyon Road and .09 miles from Chapel Lane Way.
175. No. 06PL161 - A request by Dream Design International, Inc. for a **Layout Plat** on the north 389.4 feet of Tract C, located in the NW1/4 NE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Sunset Vista Road and Sheridan Lake Road.
176. No. 06PL162 - A request by Wyss Associates for Web Land Holdings, LLC for a **Preliminary Plat** on Lot 2, located in the SE1/4, formerly a portion of Lot A, located in the SE1/4 SE1/4; and a portion of the unplatted balance, all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot A, located in the SE1/4 SE1/4; and a portion of the unplatted balance, all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of Tower Road and South Highway 16.
177. No. 06PL163 - A request by Wyss Associates for Web Land Holdings, LLC for a **Preliminary Plat** on Lot 1, located in the SE1/4, formerly a portion of the unplatted balance of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the western terminus of Cathedral Drive.
178. No. 06PL169 - A request by Boschee Engineering for Dr. Don Oliver for a **Preliminary Plat** on Lots 1 thru 3, Block 1, Oliver Subdivision, located in the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Wilderness Canyon Road and 47th Avenue West.

179. No. 06PL170 - A request by Fisk Land Surveying & Consulting, Inc. for Brent Pushing for a **Preliminary Plat** on Lots 1 thru 4, Brentwood Subdivision, located in the S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4; SW1/4 SE1/4 SE1/4, Section 25, T1N, R6E, BHM, Pennington County, South Dakota, legally described as S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4; SW1/4 SE1/4 SE1/4, Section 25, T1N, R6E, BHM, Pennington County, South Dakota, located at the western terminus of Sun Ridge Road.
180. No. 06PL171 - A request by Fisk Land Surveying for Harley Taylor for a **Preliminary Plat** on Lots 1 thru 8, Elysian Heights Subdivision and the dedicated Right-of-way, located in the N1/2 SW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), said point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision, S00°00'48"E, a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3, of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision, S00°03'36"W, a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11 of Block 3 of Wildwood Subdivision, S32°53'42"W, a distance of 67.03 feet more or less, to the westerly corner of said Lot 11 of Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 12 of Block 3 of Wildwood Subdivision, S32°58'25"W, a distance of 65.94 feet more or less, to the northwest corner of said Lot 12 in Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 13R of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence, S90°00'00"W, a distance of 704.97 feet more or less; thence, North, a distance of 747.30 feet more or less; thence, N69°00'53"W, a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of 02°26'04", an arc length of 20.92 feet more or less, and a chord bearing of S25°13'48"W, and a chord distance of 20.91 feet, more or less; thence, N63°33'10"W, a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of 09°44'59", an arc length of 66.75 feet more or less, and a chord bearing of N21°34'20"E, and a chord distance of 66.67 feet, more or less; thence, S83°00'00"W, a distance of 363.67 feet more or less; thence, S04°41'43"E, a distance of 202.00 feet

more or less; thence, S35°35'41"W, a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence, S89°47'34"W, a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line, N00°12'26"W, a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the south line of said Lot 9 of Block 5 of Westview Estates and along the south line of Lot 1 of Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177), N89°47'51"E, a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot One (1) of Block Five (5) of Westview Estates, N89°46'54"E, a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates and along the south line of Carriage Hills Drive right-of-way, N89°51'26"E, a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°50'31"E, a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°48'02"E, a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°52'45"E, a distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°46'22"E, a distance of 165.37 feet more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°48'13"E, a distance of 134.59 feet more or less, to the southeast corner of said Lot 26R of Block 3 of Westview Estates, said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates, and said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot R of Block 3 of Westview Estates, N89°48'06"E, a distance of 130.02 feet more or less, to the point of beginning, located at the southern terminus of Carriage Hills Drive.

181. No. 06RZ040, Second Reading, Ordinance No. 5200, a request by Sperlich Consulting, Inc. for B&T Investments for a **Rezoning from Medium Density Residential District to General Commercial District** on a portion of the SE1/4 of the SE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the northeasterly corner of the dedicated right-of-way of Severson Street as shown in Plat Book 29 on Page 128, and the Point of Beginning; Thence, first course: easterly, along the prolongation of the northerly boundary of Lot 3 of

Corral Drive Subdivision, a distance of 470.00± feet, to a point on the westerly edge of the right-of-way of Lot H1 of the SE1/4 SE1/4 of said Section 16 (westerly edge of Sheridan Lake Road Right-of-Way); Thence, second course: southerly, along the westerly edge of the right-of-way of said Lot H1 of the SE1/4 SE1/4 of said Section 16, a distance of 370.00± feet, to an angle point on the westerly edge of said Lot H1 of the SE1/4 of the SE1/4 of said Section 16; Thence, third course: southwesterly, along the westerly edge of the right-of-way of said Lot H1 SE1/4 SE1/4 of said Section 16, a distance of 78.65± feet to an angle point on the westerly edge of said Lot H1 of the SE1/4 SE1/4 of said Section 16; Thence, fourth course: southerly, along the westerly edge of the right-of-way of said Lot H1 of the SE1/4 SE1/4 of said Section 16, a distance of 84.65± feet to the southwesterly corner of the right-of-way of said Lot H1 SE1/4 SE1/4 of said Section 16, common to a point on the northerly boundary of Lot 1 of the SE1/4 SE1/4 of Section 16 (Corral Drive right-of-way); Thence, fifth course: westerly, along the northerly boundary of said Lot 1 of the SE1/4 SE1/4 of Section 16, a distance of 345.47± feet, to the southeasterly corner of the right-of-way of said Severson Street; Thence, sixth course: northerly, along the easterly edge of the right-of-way of said Severson Street, a distance of 89.41± feet, to a point of curve along the easterly edge of the right-of-way of said Severson Street; Thence, seventh course: northerly, along the easterly edge of the right-of-way of said Severson Street, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 09 21'07", an arc length of 44.72± feet, to a point of tangency along the easterly edge of the right-of-way of said Severson Street; Thence, eighth course: northerly, along the easterly edge of the right-of-way of said Severson Street, a distance of 366.70± feet, to the northeasterly corner of the dedicated right-of-way of said Severson Street, and the Point of Beginning, located at the northwest corner of the intersection of Sheridan Lake Road and Corral Drive.

182. No. 06RZ054, Second Reading, Ordinance No. 5209, a request by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on Lot 1, Tract K-1, Canyon Park Estates, Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 5740 West Highway 44.
183. No. 06SV012 - A request by Sperlich Consulting, Inc. for Sharon Norman for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Old Folsom Road, the Section Line Highway(s), the collector street and Norman Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 4A, 4B and 5R of Judicial Lot 4; and Lots 6 thru 17, Norman Ranch Subdivision, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lots 4 and 5 of Judicial Lot 4 of Norman Ranch Subdivision; the N1/2 SW1/4; the NW1/4 SE1/4 lying southwest of Old Folsom Road less the south 99 feet of NW1/4 SE1/4; the N1/2 N1/2 SE1/4 SW1/4; the W1/2 SW1/4 SW1/4; the N1/2 NE1/4 SW1/4 SW1/4; the west 220 feet of the S1/2 NE1/4 SW1/4 SW1/4; and the west 220 feet of SE1/4 SW1/4 SW1/4; all located in Section 28, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Highway 79 and Old Folsom Road.
184. No. 06SV030 - A request by Wyss Associates, Inc. for WEB Land Holdings, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Fairmont Boulevard and to waive the requirement to install curb, gutter, sidewalk, street**

light conduit and to reduce right-of-way width from 52 feet to 49 feet and to reduce pavement width from 27 feet to 24 feet along Pevans Parkway as per Chapter 16.16 of the Rapid City Municipal Code on Lots 1 thru 5, Skyline Pines East, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 SE1/4, less Walpole Heights Subdivision, and less right-of-way, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Mount Rushmore Road and Tower Road.

185. No. 06SV065 - 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 and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on the north 389.4 feet of Tract C, located in the NW1/4 NE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Sunset Vista Road and Sheridan Lake Road.
186. No. 06SV066 - A request by Boschee Engineering for Dr. Don Oliver for a **Variance to the Subdivision Regulations to waive the Requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement; and to allow 10 foot wide dirt road to serve as access to Lot 1 and to allow Wilderness Canyon Road to remain a 24 foot paved street with water as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 3, Block 1, Oliver Subdivision, located in the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Wilderness Canyon Road and 47th Avenue West.
187. No. 06SV067 - A request by CETEC Engineering for Franklin O. Simpson for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on a parcel of land in the NE1/4 SE1/4, Section 27, T2N, R7E; and the NW1/4 SW1/4, Section 26 T2N, R7E, less part of Tract B and less Tract C, Wesleyan Christian, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Commencing at the northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, said point being monumented with an Iron rod; Thence S72°09'18"W along the Right-of-Way of Harmony Heights Lane a distance of 52.00 feet to the true point of beginning, a point to become the new northeast corner of Block 4 of Fountain Springs Park Subdivision. From said point, thence S72°11'11"W along the Right-of-Way of Harmony Heights Lane a distance of 267.40 feet; thence through a curve to the right having a radius of 230.00 feet, a distance of 6.54 feet to a point; Thence S17°50'42"E, 110.21 feet; Thence S15°26'14"E, 110.10 feet; Thence S00°04'38"E, 106.70 feet to a point; Thence N89°55'22"E, 429.64 feet to a point; Thence N00°04'38"W, 166.22 feet to a point; Thence N84°29'24"W, 52.96 feet; Thence N79°46'11"W, 113.48 feet; Thence N17°50'42"W, 220 feet to the northeast corner of Block 4. Said parcel containing 2.97 acres more or less, legally described as the unplatted portion of the NE1/4 SE1/4, Section 27, T2N, R7E; and the NW1/4 SW1/4, Section 26 T2N, R7E, less part of Tract B and less Tract C, Wesleyan Christian, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive.

188. No. 06SV068 - A request by Wyss Associates for WEB Land Holdings, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2, located in the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of Tower Road and South Highway 16.
189. No. 06VR009 - A request by Dream Design International, Inc. for a **Vacation of Right-of-Way** on Lot 2, O'Meara Addition and Lot B of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to Tower Road at the intersection of Skyline Ranch Road and Tower Road.

Continue the following items until December 18, 2006:

190. No. 05VR014 - A request by Sperlich Consulting, Inc. for Doeck, LLC for a **Vacation of Section Line Highway** on that portion of the statutory Section Line Right-of-Way lying in the NE1/4, SE1/4, Section 13, T2N, R7E, and that portion of the statutory Section Line Right-of-Way, lying in Tract 5, Sletten Addition, located in the NW1/4, SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the north to east curve of West Nike Road.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

The Mayor presented No. 06PL082, a request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1, 2 and 3, Seljeskog Subdivision, located in the SE1/4 NE1/4 NE1/4 SE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land described as the SW1/4 SE1/4 SE1/4 NE1/4; SE1/4 SW1/4 SE1/4 NE1/4; NW1/4 NE1/4 NE1/4 SE1/4; NE1/4 NW1/4 NE1/4 SE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2151 Skyline Ranch Road. Okrepkie moved, second by Chapman and carried to approve the Preliminary Plat with the following stipulations: 1. Prior to submittal of a Final Plat application, the plat document needs to be corrected to read "Chapter 17.08.035" on the Growth Management Director Signature block; 2. Prior to Preliminary Plat approval by the City Council, a cost estimate for any subdivision improvements shall be submitted for review and approval; 3. Prior to Preliminary Plat approval by the City Council, turnarounds for the cul-de-sacs every 500 feet shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by the City Council, road construction plans for the access easements shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 47 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 5. Prior to Preliminary Plat approval by the City Council, road construction plans for the right-of-way as indicated in the 1932 deed shall be submitted for review and approval. In particular, the street shall be constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision regulations shall be obtained or the right-of-way shall be eliminated through the appropriate legal procedures; 6. Prior to Planning Commission approval, information for a typical street section for a subcollector street with 47 foot wide right-of-way and 20 foot pavement width for the access easement shall be submitted for review and approval; 7. An Air Quality permit is required prior to any development of the proposed lots; 8.

Prior to Planning Commission approval, a utility distribution plan shall be submitted for review and approval; 9. Prior to Final Plat submission, a Variance to the Zoning Ordinance to allow a lot that does not abut a public street for a distance of not less than 50 feet shall be obtained from the Zoning Board of Adjustment or the plat shall be revised accordingly; 10. Prior to Preliminary Plat approval by the City Council, easements for intermediate turnarounds for fire apparatus, not to exceed 500 foot intervals, shall be indicated on the plat and construction plans provided for review and approval; 11. 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; 12. Prior to Preliminary Plat approval by the City Council, the applicant shall submit a Wildland Fire Mitigation Plan in consultation with the Fire Department; 13. The provisions of the 2003 International Fire Code shall be met at all times; and, 14. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

Hurlbut moved, second by Schumacher and carried to close the public hearing.

PUBLIC HEARING CONSENT ITEMS – Item 191

ALCOHOL LICENSES

Okrepkie moved, second by Hadcock and carried to approve the **United Downtown Association**, for a special Beer License for an event scheduled June 29 & 30, 2007 on Sixth Street between Main and Rapid Streets.

PUBLIC HEARING NON-CONSENT ITEMS – Items 192 – 208

The Mayor presented No. 06CA034, a request by City of Rapid City for an **Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial with a Planned Light Industrial Development** on Lot B of the W1/2 SW1/4, less Lot H1; and Lot Y of Lot H2 of the SW1/4 less Lot H1 and H2, all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Deadwood Avenue and Interstate 90. The following resolution was introduced, read and Olson moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 20th day of November, 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 change the land use designation from General Agriculture to Light Industrial with a Planned Light Industrial Development, on Lot B of the W1/2 SW1/4, less Lot H1; and Lot Y of Lot H2 of the SW1/4 less

Lot H1 and H2, all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan of the City of Rapid City be amended to change the Future Land Use designation from General Agriculture to Light Industrial with a Planned Light Industrial Development on Lot B of the W1/2 SW1/4, less Lot H1; and Lot Y of Lot H2 of the SW1/4 less Lot H1 and H2, all located in Section 22, T2N, R7E, 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 20th day of November, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

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

The Mayor presented No. 06CA035, a request by City of Rapid City for an **Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development** on a parcel of land located in the E1/2 SE1/4 SE1/4 SW1/4 SW1/4; SW1/4 SW1/4 SE1/4 SW1/4; W1/2 SE1/4 SW1/4 SE1/4 SW1/4; S1/2 NW1/4 SW1/4 SE1/4 SW1/4; SW1/4 NE1/4, SW1/4 SE1/4 SW1/4; all less R & L Subdivision, less a strip of land 80 foot wide adjacent and parallel to the southeast line of Lot 3, R & L Subdivison, less a strip of land 100 feet wide adjacent and parallel to north boundary of I90 and less right-of-way, all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Interstate 90 and east of Harley Drive. The following resolution was introduced, read and Olson moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 20th day of November, 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 Future Land Use Plan by changing the land use designation from General Agriculture to General

Commercial with a Planned Commercial Development, on a parcel of land located in the E1/2 SE1/4 SE1/4 SW1/4 SW1/4; SW1/4 SW1/4 SE1/4 SW1/4; W1/2 SE1/4 SW1/4 SE1/4 SW1/4; S1/2 NW1/4 SW1/4 SE1/4 SW1/4; SW1/4 NE1/4, SW1/4 SE1/4 SW1/4; all less R & L Subdivision, less a strip of land 80 foot wide adjacent and parallel to the southeast line of Lot 3, R & L Subdivision, less a strip of land 100 feet wide adjacent and parallel to north boundary of I90 and less right-of-way, all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan of the City of Rapid City be amended to change the Future Land Use designation from General Agriculture to Light Industrial with a Planned Light Industrial Development on a parcel of land located in the E1/2 SE1/4 SE1/4 SW1/4 SW1/4; SW1/4 SW1/4 SE1/4 SW1/4; W1/2 SE1/4 SW1/4 SE1/4 SW1/4; S1/2 NW1/4 SW1/4 SE1/4 SW1/4; SW1/4 NE1/4, SW1/4 SE1/4 SW1/4; all less R & L Subdivision, less a strip of land 80 foot wide adjacent and parallel to the southeast line of Lot 3, R & L Subdivision, less a strip of land 100 feet wide adjacent and parallel to north boundary of I90 and less right-of-way, all located in Section 22, T2N, R7E, 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 20th day of November, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

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

The Mayor presented No. 06CA037, a request by CETEC Engineering Services, Inc. for Generations, Inc. for an **Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Area Future Land Use Plan to change the land use designation from Low Density Residential District with a Planned Residential Development to Office Commercial with a Planned Unit Development** on the East 1/2 of the South 495' of NE1/4 SE1/4; and the East 1/2 of the SE1/4 SE1/4, Unplatted, less Lot 1 of the Bendert Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to Golden Eagle Drive between Catron Boulevard and U.S. Highway 16. The following resolution was introduced, read and Olson moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 20th day of November, 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 U.S. Highway 16 Area Future Land Use Plan to change the land use designation from Low Density Residential District with a Planned Residential Development to Office Commercial with a Planned Unit Development, on the East 1/2 of the South 495' of NE 1/4 SE 1/4; and the East 1/2 of the SE 1/4 SE 1/4, Unplatted, less Lot 1 of the Bendert Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan of the City of Rapid City be amended to change the Future Land Use designation from Low Density Residential District with a Planned Residential Development to Office Commercial with a Planned Unit Development on The East 1/2 of the South 495' of NE 1/4 SE 1/4; and the East 1/2 of the SE 1/4 SE 1/4, Unplatted, less Lot 1 of the Bendert Subdivision, Section 22, T1N, R7E, 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 20th day of November, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

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

The Mayor presented No. 06CA038, a request by CETEC Engineering Services, Inc. for Generations, Inc. for an **Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Area Future Land Use Plan to change the land use designation from a Planned Residential Development with four dwelling units per acre to Office Commercial with a Planned Unit Development** on the west 1/2 of the SE 1/4 SE 1/4, Section 22, Unplatted, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to Golden Eagle Drive between Catron Boulevard and U.S. Highway 16. The following resolution was introduced, read and Olson moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 20th day of November, 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 U.S. Highway 16 Area Future Land Use Plan to change the land use designation from a Planned Residential Development with four dwelling units per acre to Office Commercial with a Planned Unit Development, on the west 1/2 of the SE1/4 SE1/4, Section 22, Unplatted, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan of the City of Rapid City be amended to change the Future Land Use designation from a Planned Residential Development with four dwelling units per acre to Office Commercial with a Planned Unit Development on the west 1/2 of the SE1/4 SE1/4, Section 22, Unplatted, T1N, R7E, 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 20th day of November, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

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

The Mayor presented No. 06CA039, a request by CETEC Engineering Services, Inc. for Generations, Inc. to consider an application for an **Amendment to the Comprehensive Plan to amend the Major Street Plan to relocate a collector street** on the south 495 feet of the NE1/4 SE1/4, less Lot1, Bendert Subdivision, and the SE1/4 SE1/4, Section 22, Unplatted, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Golden Eagle Drive between Catron Boulevard and U.S. Highway 16. The following resolution was introduced, read and Olson moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 20th day of November, 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 relocate a collector street, on the south 495 feet of the NE1/4 SE1/4, less Lot1, Bendert Subdivision, and the SE1/4 SE1/4, Section 22, Unplatted, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan of the City of Rapid City be amended to change the Major Street Plan to relocate a collector street on the south 495 feet of the NE1/4 SE1/4, less Lot1, Bendert Subdivision, and the SE1/4 SE1/4, Section 22, Unplatted, T1N, R7E, 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 20th day of November, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

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

The Mayor presented No. 06CA040, a request by CETEC Engineering Services, Inc. for Generations, Inc. for an **Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Area Future Land Use Plan to change the land use designation from a Planned Residential Development with 1 dwelling unit per acre to Office Commercial with a Planned Unit Development** on the unplatted west half of the south 495 feet of the NE1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to Golden Eagle Drive between Catron Boulevard and U.S. Highway 16. The following resolution was introduced, read and Olson moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 20th day of November, 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 U.S. Highway 16 Area Future Land Use Plan to change the land use designation from a Planned Residential Development with 1 dwelling unit per acre to Office Commercial with a Planned Unit Development, on the unplatted west half of the south 495 feet of the NE1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan of the City of Rapid City be amended to change the Future Land Use designation from a Planned Residential Development with 1 dwelling unit per acre to Office Commercial with a Planned Unit Development on the unplatted west half of the south 495 feet of the NE1/4 SE1/4, Section 22, T1N, R7E, 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 20th day of November, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

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

The Mayor presented No. 06CA042, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the land use designation from Planned Residential Development with 1.5 dwelling units per 2 acres to Low Density Residential** on the SE1/4 of the NW 1/4 of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, excepting therefrom Lot A as shown on the plat recorded in Plat Book 17 on Page 167; and Lot 3 (also known as Government Lot 3) of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, excepting therefrom the north 452.58 feet of Lot 3 (also known as Government Lot 3) in the NW 1/4, Section 4, T1N, R8E BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of said Lot 3, NW1/4, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, said point being coincident with the northwest corner of Lot 2 (also known as Government Lot 2) and also coincident with the northwest corner of Lot H-8 (East Anamosa Street Right-of-Way) in Government Lot 2, Section 4 as shown on the plat recorded in Book 10 of Highway Plats on Page 60, said point being marked by a GLO brass cap; Thence, southerly along the one-quarter section line and along the east line of said Lot 3

and the west line of Lot H-8 and the west line of said Lot 2, S00°05'16"E, a distance of 452.85 feet, more or less, to a point marked by a rebar with survey cap "RW FISK 6565"; Thence, westerly, S89°50'15"W, a distance of 1324.84 feet, more or less, to a point on the west line of said Lot 3, said point being coincident with the east line of Lot 4 (also known as Government Lot 4) and said point being marked by a rebar with survey cap "RW FISK 6565"; Thence, northerly along the west line of said Lot 3 and the east line of said Lot Four 4, N00°00'48"W, a distance of 452.85 feet, more or less, to the northwest corner of said Lot 3, coincident with the northeast corner of said Lot4 and located on the north section line of said Section 4, said point being marked by a rebar with cap number "6251"; Thence, easterly along the north line of said Lot 3 and along the north section line of said Section 4, N89°50'15"E, a distance of 1324.26 feet, more or less, to the point of beginning, located at the western terminus of East Anamosa Street. Olson moved, second by Schumacher and carried to deny without prejudice at the applicant's request.

The Mayor presented No. 06CA043, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation from Park Forest to Low Density Residential with a Planned Residential Development** on Lots 1 thru 6, Tract A; Lots 7 and 8, Tract B, all of Lot 1 of New Park Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Kathryn Avenue. The following resolution was introduced, read and Olson moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 20th day of November, 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 change the future land use designation from Park Forest to Low Density Residential with a Planned Residential Development, on Lots 1 thru 6, Tract A; Lots 7 and 8, Tract B, all of Lot 1 of New Park Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan of the City of Rapid City be amended to change the future land use designation from Park Forest to Low Density Residential with a Planned Residential Development on Lots 1 thru 6, Tract A; Lots 7 and 8, Tract B, all of Lot 1 of New Park Subdivision, Section 24, T2N, R7E, 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 20th day of November, 2006.

CITY OF RAPID CITY

ATTEST:
s/ James F. Preston
Finance Officer

s/ Jim Shaw, Mayor

(SEAL)

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

The Mayor presented No. 06CA044, a request by City of Rapid City for an **Amendment to the Comprehensive Plan to change the land use designation from Residential to Public** on Tract H, McMahon Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Champion Drive and east of Vicki Powers Park. The following resolution was introduced, read and Olson moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 20th day of November, 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 to change the land use designation from Residential to Public, on Tract H, McMahon Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan of the City of Rapid City be amended to change the future land use designation Residential to Public, on Tract H, McMahon Subdivision, Section 24, T2N, R7E, 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 20th day of November, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

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

The Mayor presented No. 06CA045, a request by John Skulborstad for an **Amendment to the Comprehensive Plan to change the Long Range Plan from Public District to Office Commercial with a Planned Commercial Development** on Lot 1, Vista Lake Subdivision No. 2, located in the NE1/4 SW1/4 and the N1/2 SE1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4600 Jackson Boulevard. The following resolution was introduced, read and Olson moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 20th day of November, 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 change the future land use designation from Public to Office Commercial with a Planned Commercial Development, on Lot 1, Vista Lake Subdivision No. 2, located in the NE1/4 SW1/4 and the N1/2 SE1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan of the City of Rapid City be amended to change the future land use designation from Public to Office Commercial with a Planned Commercial Development on Lot 1, Vista Lake Subdivision No. 2, located in the NE1/4 SW1/4 and the N1/2 SE1/4, Section 8, T1N, R7E, 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 20th day of November, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

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

The Mayor presented No. 06PD065, **an appeal of the Planning Commission's decision** on a request by Dream Design International, Inc. for a **Major Amendment to a Planned Residential Development** on Tract J, Big Sky Subdivision, located in the SE1/4 NW1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located north of Homestead Street between Degeest Drive and Missoula Street. Olson moved, second by Schumacher and carried to deny without prejudice at the applicant's request.

Olson moved, second by LaCroix and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Golden Eagle Drive as it abuts the unplatted portion of the E1/2 NW1/4 SE1/4, Section 22, located in the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. (06SV022)

The Mayor presented No. 06SV035, 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, additional right-of-way and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2 and 3, Seljeskog Subdivision, located in the SE1/4 NE1/4 NE1/4 SE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land described as the SW1/4 SE1/4 SE1/4 NE1/4; SE1/4 SW1/4 SE1/4 NE1/4; NW1/4 NE1/4 NE1/4 SE1/4; NE1/4 NW1/4 NE1/4 SE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2151 Skyline Ranch Road. Olson moved, second by Okrepkie and carried that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and sewer as per Chapter 16.16 of the Rapid City Municipal Code be approved along the access easements; that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement to meet the required 22 be approved with the stipulation that a minimum 20 foot width requirement be met; and, that the Variance to the Subdivision Regulations to waive the requirement to install additional right-of-way along the access easements as per Chapter 16.16 of the Rapid City Municipal Code be denied.

The Mayor presented No. 06SV057, 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; to reduce pavement width from 22 feet to 12 feet; and the right-of-way width from 47 feet to 12 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Tract A, Wright Subdivision, located in the N1/2 SW1/4, SE1/4 NE1/4 SW1/4 SW1/4, SE1/4 NE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 SW1/4, SE1/4 NE1/4 SW1/4 SW1/4, SE1/4 NE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north and west of Skyline Ranch Road. Olson moved, second by Hurlbut and carried to acknowledge the applicant's request to withdraw the Variance to the Subdivision Regulations to reduce the right-of-way width from 47 feet to 12 feet; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer be approved; and that the Variance to the Subdivision Regulations to reduce the pavement width from 22 feet to 20 feet along the access street be approved.

Olson moved, second by Kroeger and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Red Rock Canyon Road as it abuts Lot G

and the south 53.1 feet of Tract 3, and Lot HR, located in the SE1/4 NW1/4, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. (06SV059)

The Mayor presented No. 06SV059, a request by D. C. Scott Surveyors, Inc. for Gary Rossow for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional public right-of-way, and to waive the requirement to install curb gutter, sidewalk, street light conduit, sewer, water, additional pavement and to waive the requirement to dedicate planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot GR and Lot HR2, formerly Lot G and the south 53.1 feet of Tract 3, and Lot HR, located in the SE1/4 NW1/4, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot G and the south 53.1 feet of Tract 3, and Lot HR, located in the SE1/4 NW1/4, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on the west side of Red Rock Canyon Road and .09 miles from Chapel Lane Way. Olson moved, second by Kroeger and carried that the Variance to the Subdivision Regulations to waive the planting screen easement as per Chapter 16 of the Rapid City Municipal Code be denied without prejudice; that the Variance to the Subdivision Regulations to dedicate an additional six feet of right-of-way as per Chapter 16 of the Rapid City Municipal Code be denied; and, that the Variance to the Subdivision Regulations to waive the improvements of pavement, curb, gutter, streetlight conduit, water and sewer on Red Rock Canyon Road as per Chapter 16 of the Rapid City Municipal Code be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

The Mayor presented No. 06SV064, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install water as per Chapter 16.16 of the Rapid City Municipal Code** on Tract A, Wright Subdivision, located in the N1/2 SW1/4, SE1/4 NE1/4; SW1/4 SW1/4, SE1/4 NE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion located in the N1/2 SW1/4, SE1/4 NE1/4; SW1/4 SW1/4, SE1/4 NE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in the Skyline Ranch Road Area. Olson moved to deny. Second by Kroeger for discussion purposes. Substitute motion was made by Hadcock, second by Okrepkie that the Variance to the Subdivision Regulations to waive the requirement to install water as per Chapter 16.16 of the Rapid City Municipal Code be approved. In response to a question from Alderman Kooiker, Growth Management Director Elkins indicated that the ordinance requires that the improvements, including the utilities, be extended to the north property line. The discussion at the Planning Commission meeting on whether or not to worry about the six foot shortage. The issue is about cost shifting and the Planning Commission believed the applicant should be bearing that cost. Hani Shafai, Dream Design International, responding to a question from Alderman Kooiker, indicated that this is part of an assessment project paid by all the property owners in the area; but constructing the additional six foot would require relocating a fire hydrant and disturbing the neighbor's property and requiring an easement from the neighbor. In the future, with this plat, an easement will be dedicated along the water line to allow the neighbor to the north to extend the water line at a minimum cost of Two Hundred Dollars. Motion carried.

Kroeger moved, second by Olson and carried to authorize staff to solicit Requests for Proposals for Digital GIS Base Map Development Services.

BILLS

The following bills having been audited, it was moved by Hadcock, second by LaCroix to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof. Substitute motion was made by Kooiker, second by Schumacher to approve with the exception of two payments to enVision, and continue those payments to the December 4, 2006 Council meeting. Upon a roll call vote, the following voted AYE: Johnson, LaCroix, Okrepkie, Schumacher, Kroeger, and Kooiker; NO: Hurlbut, Hadcock, Olson, and Chapman. Motion carried.

Payroll Paid Ending 10-14-06, Paid 10-20-06	730,670.45
Payroll Paid Ending 10-14-06, Paid 10-20-06	3,425.60
Pioneer Bank, Taxes Paid 10-20-06	177,366.61
Pioneer Bank, Taxes Paid 10-20-06	236.17
Berkley Risk Administrators, October claim payment	24,773.41
Black Hills Electric Cooperative, electricity	672.80
Black Hills Power & Light, electricity	29,615.46
West River Electric Association, electricity	12,808.88
First American Title Company, land purchase	148,601.75
South Dakota Retirement System-Special Pay Plan, Fees-Bedard, Talley	214.73
First Administrators, claims paid 11-07-06	132,155.48
First Administrators, claims paid 11-14-06	81,593.38
United States Postmaster, postage	1,800.00
Computer Bill List	<u>4,036,990.26</u>
Subtotal	\$5,380,924.98
Payroll Paid Ending 10-14-06, Paid 10-20-06	2,279.88
Pioneer Bank, Taxes Paid 10-20-06	174.39
Charles Braunsrither, November Stipend	150.00
Career Learning Center, clerical tests	30.00
City of Rapid City, Health Insurance Trust	733.00
City of Rapid City, postage	3.97
Conoco Phillips, gasoline	116.57
Johnson Machine, oil & filter	15.81
Occupational Health Network, drug screen	35.00
Standard Life, November life insurance	<u>3.50</u>
Subtotal	\$5,384,467.10
Stanley J. Johnsen Concrete Contractor, Inc. CO #1F, STCM06-1537	21,133.07
Hills Materials Company, CO #1F, STCM06-1539	23,755.65
Festival of Lights Parade	<u>1,150.00</u>
Subtotal	\$5,430,505.82
Less -- enVision Design, Inc., Project IDP06-1555	<47,649.34>
Less -- enVision Design, Inc., Project ST04-1077	<u><84,751.88></u>
Total	\$5,298,104.60

EXECUTIVE SESSION

Hadcock moved, second by Hurlbut and carried to go into Executive Session at 10:42 P.M. for the purpose of discussing contractual matters and potential pending litigation. The Council came out of Executive Session at 11:08 P.M. with all members present.

Olson moved, second by Hurlbut and carried to acknowledge the report of the City Attorney's Office on the Colonial Motel litigation.

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 11:10 P.M.

CITY OF RAPID CITY

ATTEST:

Finance Office

Mayor

(SEAL)