

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

September 18, 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, September 18, 2006 at 7:30 P.M.

The following members were present: Mayor Jim Shaw and the following Alderpersons: Mike Schumacher, 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: None, and the following were absent: None.

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

ADOPTION OF AGENDA

The following items were added to the agenda:

- Travel Request for Aldermen Johnson, Hadcock, Okrepkie, LaCroix and Chapman to attend National League of Cities Conference, Reno, NV, December 5 – 10, 2006, in the approximate amount of \$9,760
- “M” Hill Update
- New Agenda Format Review
- Travel Information Request

Chapman moved, second by LaCroix and carried to adopt the agenda as amended.

City Attorney Green and Council President Johnson reviewed the structure of the new agenda format explaining that Council, under General Public Comment, will hear any issue that does not appear on the agenda. Under the new heading, Non-Public Hearing Items, Council will open public comment to hear all concerns from the audience. Each audience member will have three minutes only to address their issue. Council will close the comment period. Action and debate by only the Council will take place on those items in this category. Under the heading, Public Hearing Items, Council will open the hearings to comments from the audience and before closing the hearing; will take action on continued items, close the hearing and then dispose of the remaining agenda items.

APPROVE MINUTES

Okrepkie moved, second by LaCroix and carried to approve the minutes of September 5, 2006; and correct the minutes of August 21, 2006 to reflect approval of Change Order No. 1, Rushmore Plaza Civic Center Multipurpose Addition – bid package 1, Project No. IDP06-1555 to Gustafson Builders.

AWARDS AND RECOGNITIONS

Mayor Shaw presented the Veteran of the Month for September, 2006 to Roger Scott and recognized his efforts and dedication to the service of his country.

GENERAL PUBLIC COMMENT

Patricia Trumble, 410 E. Watertown addressed her concerns relative to the slow response of the Code Enforcement department, and noted her concerns with the over-growth of lilac bushes, trash and debris, abandoned vehicles, and theft in north Rapid.

Steven Brenden, Rapid City indicated his concern and disappointment with the new agenda format.

NON-PUBLIC HEARING ITEMS -- Items 1 - 56

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

Steven Brenden, Rapid City addressed 17., 36., 49. & 52. indicating concern over the 40-unit rule; endorsed referring the gravity sewer to the .16 Committee; and indicated concern about expansion and utility services and paying for expansion. Hani Shafai, Dream Design International addressed 36. & 52. asking that these items be continued to the October 2, 2006 Council meeting. Pat Hall, developer agent addressed 37. asking for approval of a preliminary plat; indicating they would like to have approved without the requirement of fire protection in all residential structures built on the eighteen lots. David Kappenmon, Rapid City addressed 40. & 41. indicating concern over the change in zoning from Office Commercial to General Commercial on two additional properties along Hwy 16. Kappenmon asked for the type of business that is expected to locate on this property. He reported that he has not received notification of the change. Tim Rogers, Enchanted Hills Homeowners Association Chairman addressed 40. & 41. indicating concern with the change in zoning. He asked that the applicant provide more information to the homeowners association on their intended use of the property. Based on the lack of information, Rogers asked the Council to deny the request. Bill Kessloff, Historic Preservation Commission addressed 50. reporting that the State Office of Preservation has allocated \$20,000 to the City for use to conduct public hearings and develop an ordinance that will preserve the historic integrity of the district. Kessloff explained that once the local commission makes a decision, that decision is forwarded to Pierre. He indicated that many times that decision is overturned, and is final. He suggested that with a new ordinance in place, control will be given to a local commission and the City Council will have the final decision on any appeal process. Pat Roseland, Rapid City Historic Preservation Commission Chairman addressed 50. offering support for a new ordinance. Dale Russell, Rapid City addressed 51. asking to be allowed to remove gravel behind an existing curb cut and replace with concrete to allow for parking in the right-of-way. Russell suggested that if the Council denies the request, the gravel will remain and parking in the right-of-way will continue. Toby Karn, 1220 E. Franklin addressed 55., and with the aid of an overhead pointed out the property that can expect to benefit from a new sewer main along East Franklin Street. Karn explained that one property owner is opposed to the project, but has signed a Waiver of Right to Protest any future assessed project. Karn reminded the members of the details of this issue; explained that Doris Broderick is without a proper sanitary sewer line, since December 2005. As constructed, Karn indicated this sanitary sewer service line can not be reconstructed as a garage is built over the alignment of the line to the main. Karn asked to the Council to approve the bid award and move forward with the project.

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

CONSENT ITEMS – Items 1 - 38

The following items were removed from the Consent Calendar:

36. No. 06AN003 - A request by Dream Design International, Inc. for a Petition for Annexation
37. No. 06PL097 - A request by Centerline, Inc. for Magheramore, LLC for a Preliminary Plat

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

Set for Hearing (October 16, 2006)

1. No. 06VR008 - A request by Centerline, Inc. for PLM Development, LLC for a **Vacation of Section Line Highway** on Section Line Right-of-way lying adjacent to the NE1/4 NE1/4, Section 23 and the NW1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Minnesota Street and west of Fifth Street.

Set for Hearing (October 2, 2006)

2. Sioux Restaurants, LLC dba **T.G.I. Friday's**, 2205 N. LaCrosse Street for a Retail (On-Sale) Liquor License transfer from Restech Partners, Inc. dba T. G. I. Friday's, 2205 N. LaCrosse Street
3. Lily Corp. dba **Flowers By LeRoy**, 2016 West Main Street for a Package (Off-Sale) Liquor License
4. Piece of Cake, LLC dba **Piece of Cake**, 901 Mt. Rushmore Road for a Package (Off-Sale) Liquor License

Public Works Committee Consent Items

5. Approve a request to erect a tent in the public right-of-way at 1710 West Main Street beginning September 26 until October 8, 2006; and City of Rapid City to be named as additional insured, Fischer Furniture.
6. No. PW091206-02 - Approve a request by Century Development Co., Inc. to prepare an H-Lot located in N1/2 SE1/4 lying West of I190 Right-of-Way on behalf of the City of Rapid City and authorize acceptance of deeds.
7. No. PW091206-05 - Approve the construction of a 27" sewer service line for the Prairie Fire Development.
8. No. PW091206-06 – Approve Change Order No. 3F for West Chicago Street Reconstruction - 44th Street to Seeaire Street Project No. ST02-1071 / CIP No. 50135 to Heavy Constructors, Inc. for an increase of \$6,872.39.
9. No. PW091206-14 - Approve Change Order No. 1 for Canyon Lake Park Channel Fill Project to Quinn Construction, Inc. for an increase of \$72.46.
10. No. PW091206-07 – Authorize staff to advertise for bids for Rushmore Plaza Civic Center Multipurpose Addition - Bid Package 2; Project No. IDP06-1555.
11. No. PW091206-08 – Authorize the Mayor and Finance Officer to sign Amendment No. 1 to the Financial and Road Transfer Agreement #612978 with the South Dakota

Department of Transportation to extend the date for the utilization of the funds for East Mall Drive, adds a portion of SD437 to the agreement and clarifies the ownership of the right of way along I90 (Beale and Offutt Streets).

- 12. No. PW091206-09 – Authorize the Mayor and Finance Officer to sign a Professional Services Agreement with West Plains Engineering, Inc. for Engineering Services for West Chicago Street Roadway Lighting Project No. ST06-1560 for an amount not to exceed \$25,000.00.
- 13. Approve the relocation of the existing signal poles, luminaire extensions, and mast arms from Philadelphia Street and LaCrosse Street intersection to the 5th Street and Meade Street intersection.
- 14. No. PW091206-11 – Approve a Resolution Fixing Time and Place for Hearing on Assessment Roll for Block 8 Alley Paving (West Boulevard Addition) Project No. ST03-1330 / CIP No. 50595 on October 16, 2006.

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON
ASSESSMENT ROLL FOR
BLOCK 8 ALLEY PAVING (WEST BOULEVARD ADDITION)
PROJECT NO. ST03-1330

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

- 1. The assessment roll for Block 8 Alley Paving (West Boulevard Addition) Project No. ST03-1330 was submitted to the Finance Office on the 18th day of September, 2006. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, October 16, 2006 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
- 2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time and place of hearing thereon, that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
- 3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 18TH day of September, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 15. No. PW091206-12 – Authorize staff to solicit Requests for Proposals for Consultant Services for the Landfill Environmental Monitoring Contract.

16. No. 06PL127 – Approve a request by Renner & Associates for Royal Nielsen to consider an application for a **Request for Exception**, on Lot 15 Revised, Hills View Subdivision, located west of Hillside Drive and North of SD Highway 40, as follows: to waive the requirement to provide a second street access when more than forty (40) dwelling units are exclusively accessed from a street.
17. Recommend that Council refer the gravity sewer issue (No. PW091206-13) in this development area to the .16 committee for discussion.

Legal & Finance Committee Consent Items

18. No. LF091306-01 – Approve appointment of Dan Senftner to the Historic Preservation Commission.
19. No. LF091306-02 – Approve appointment of Norm Nelson to the Historic Sign Board.
20. No. LF091306-03 – Approve Travel Request for City employees to attend South Dakota Municipal League annual meeting in Spearfish, South Dakota, October 3-6, 2006, in the approximate amount of \$3,800.
21. No. LF091306-04 - Declare all positions on the DARB Board vacant as of October 3, 2006.
22. No. LF091306-12 - Approve Crime Lab Grant in the amount of \$93,954.50 for equipment and resources to be used in the laboratory's daily operations.
23. No. LF091306-13 - Approve Event Permit for VINO 100/Tinderbox to Hold Event on September 29, 2006.
24. Approve acceptance of WMD equipment from a grant administered through Pennington County for the following: mobile data antenna and site equipment, approximate cost of \$8,710; HazMat decontamination hose, approximate cost of \$9,000; and personal protective equipment, approximate cost of \$7,200.
25. Authorize staff to advertise for bids for up to 120 fire shelters and purchase communications equipment and fire shelters from State contract in the amount of \$82,965.
26. Approve purchase of 10 handheld radios from State contract for Growth Management in the amount of approximately \$13,500.
27. No. LF091306-14 - Authorize the Mayor and Finance Officer to sign State of South Dakota Agreement/Letter of Agreement.
28. Direct staff to prepare a resolution regarding travel approval from the Mayor and Council leadership.
29. No. LF091306-05 – Approve a Resolution Declaring Property Surplus for Civic Center.

RESOLUTION DECLARING PROPERTY SURPLUS

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

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

Civic Center

1985 743 Bobcat, S/N 21706 (beyond useful life; to be traded for larger skid steer)

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

Dated this 18TH day of September, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

30. No. LF091306-06 – Authorize the Mayor and Finance Officer to sign Instructional Contract Proposal with Shelly J. Kaup, MBA for Principles of Supervision Class.
31. No. LF091306-11 – Adoption of City's Pandemic Influenza Continuity Plan with requested changes.
32. No. LF091306-15 - Approve a Travel Request for Jim Herron to attend Fundamentals Using RSLOGIX Course in Denver, CO, October 9-12, 2006, in an approximate amount of \$1,656.
33. No. LF091306-07 – Authorize the Mayor and Finance Officer to sign Consent to Assignment of **Tax Increment District No. 50**.
34. No. LF091306-09 – Approve a Travel Request for Joel P. Landeen and Karie A. Price to attend Government Civil Practice Seminar in Las Vegas, NV, in the approximate amount of \$4,443.
35. No. LF091306-16 - Authorize the Mayor and Finance Officer to sign Covenant Agreement with William and Sharon Gikling.

Growth Management Department Consent Items

38. No. 06PL134 - A request by Advanced Engineering & Surveying, Inc. for Shane Daniel for a **Layout Plat** on Tracts 1 and 2 of Lot B3 of Parcel B, MJK Subdivision, formerly Plat of Lots B2 and B3 of Parcel B, MJK Subdivision, formerly a part of Parcel B, MJK Subdivision, located in the NW1/4 SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Plat of Lots B2 and B3 of Parcel B, MJK Subdivision, formerly a part of Parcel B, MJK Subdivision, located in the NW1/4 SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Derby Lane and East Minnesota Street. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval; 2. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; 3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines be submitted for review and approval or a Variance to the Subdivision

Regulations shall be obtained. In addition, the sewer plans must demonstrate adequate capacity of the downstream wastewater system; 4. 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 particular, the water system shall be constructed and designed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed; 5. Upon submittal of a Preliminary Plat application, road construction plans for Minnesota Street shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In particular, the road construction plans shall show the street located in a minimum 100 foot wide right-of-way and constructed to a collector street standard; 6. Upon submittal of a Preliminary Plat application, road construction plans for the access easement shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In particular, the road construction plans shall show the street constructed to a lane place street standard; 7. Upon submittal of a Preliminary Plat, all redline comments shall be addressed and resubmitted for review and approval; 8. Prior to Preliminary Plat approval by Planning Commission, written approval of all the affected public utility companies shall be submitted to the Growth Management staff; 9. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; and, 9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

END OF CONSENT CALENDAR

Olson moved, second by Johnson and carried to continue No. 06AN003, a request by Dream Design International, Inc. for a **Petition for Annexation** on the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of Elk Vale Road, northeast of Old Folsom Road and south of Elks Country Estates to the October 2, 2006 Council meeting.

The Mayor presented No. 06PL097, a request by Centerline, Inc. for Magheramore, LLC for a **Preliminary Plat** on Lots 1 thru 18, Darlington Estates, formerly that portion of the NE1/4 lying west of the Railroad Right-of-Way; located in the N1/2 NW1/4, Section 34, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as that portion of the NE1/4 lying west of the Railroad Right-of-Way; located in the N1/2 NW1/4, Section 34, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Old Folsom Road and Lamb Road. Responding to a question from Alderman Hadcock, Fire Chief Shepherd indicated the alternative was to require that structures be sprinkled because there is no water service in the area. Shepherd suggested hauling water to a cistern is better than nothing. He explained that 1,000 gallons per minute for 3,500 SF is needed. Growth Management Director Elkins responding to a question from Alderman Hadcock explained that staff indicated that there has been some information about wells in the area; although the applicant's representative has raised concern and suggested that some of the properties may not be able to have access to a well and will need to use a cistern.

Hurlbut moved, second by Okrepkie to approve the Preliminary Plat with the following stipulations: 1. Prior to City Council approval of the Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; 2. Prior to submittal of a

Final Plat application, a reserve area shall be shown or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided; 3. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Lot 4 as it abuts Old Folsom Road and the first 115 feet of Hidalgo Court and Kimberwick Road as they extend south from Lamb Road as per the Street Design Criteria Manual or an Exception shall be obtained; 4. Prior to submittal of a Final Plat application, the plat document shall be revised to show the section line highway relocated to Lamb Road and Old Folsom Road as approved by the Pennington County Board of Commissioners; 5. 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; 6. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Old Folsom Road and Lamb Road or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s); 8. Prior to submittal of a Final Plat application, a note shall be placed on the plat document stating that no further platting of the lots shall be allowed as per the Exception to waive the requirement to provide visitor parking; and, 9. Prior to submittal of a Final Plat application, "No Parking" signs shall be posted along Kimberwick Drive and Hidalgo Court or upon submittal of a Final Plat application; surety shall be posted for the improvement. In addition, inspection fees shall be paid for all of the subdivision improvements. Eliminating stipulation No. 7. -- Prior to submittal of a Final Plat application, a note shall be placed on the plat document stating that all residential structures shall be sprinklered. Responding to a question from Alderman Kooiker, City Attorney Green indicated that the City has the authority to require the installation of infrastructure with the City's platting jurisdiction which extends to the three-mile limit. The compromise in the case before the City Council is to follow the recommendation of staff to install sprinklers in the structures if the applicant is not constructing a water system. If the applicant were to install City water, the requirement would be that it provide enough flow to meet the needs of the fire code. The develop agenda, Hall responding to a question from Alderman Kooiker, indicated that because the well depths are estimated from 1,000 to 1,400 feet most of the homeowners buying the modular homes will not be able to afford to drill a well. The homeowners can be expected to install cistern that will be designed based on the size of the home and their water needs. Hall suggested that the City could stipulate that when City water is extended to this area, the area residents be required to connect to the water service. Elkins responding to Alderman Kooiker explained that there are utility easements throughout the development as required along the front and side lot lines, rear lot lines as well and also right-of-way and easements for the roadways. Elkins indicated that under the statues, cisterns are allowed. There is no requirement to preclude the use of cisterns as a normal mechanism for providing water. Alderman Hadcock offered support for a water system rather than a cistern.

Substitute motion was made by Olson, second by Schumacher to continue this item to the October 2, 2006 Council meeting. Alderman Kooiker offered support for the continuation only if a request is made to write some stipulation regarding the requirement of hook up and verify that basic infrastructure is installed. Upon a roll call vote on the substitute motion to continue, the

following voted AYE: Schumacher, Olson, Kooiker, Chapman, and Hadcock; NO: Kroeger, Johnson, LaCroix, Okrepkie, and Hurlbut. The Chair voted NO, and the substitute motion failed.

Substitute motion was made by Chapman, second by Okrepkie to amend by adding stipulation 10. To require a Waiver of Right to Protest an assessed project for the installation of water, once it is available in that area. Because the development is outside the City Limits, City Attorney Green advised that the waiver of right to protest is not enforceable, but technically, it is the City's only recourse. Growth Management Director Elkins indicated another alternative is to put a note on the plat that would say that when there is a public water system within a certain distances, the applicant would be required to extend and hook up to the water supply. Elkins indicated that the waiver of right to protest provides an assessment, only when the property is within the City limits. In response to a question from Alderman Johnson, Hall indicated that not knowing when water will be extended to this area, it would be a mistake to design for something that might be twenty years; and these costs will be passed along to the buyers.

Friendly amendment was offered by Okrepkie that in addition to the waiver of right to protest, a note be placed on the plat that when there is a public water system within five hundred feet, the applicant be required to extend and hook up to the water supply.

Upon a vote on the substitute motion to amend, motion carried with Hadcock voting NO.

Upon a vote on the motion as amended, motion carried with Kooiker and Hadcock voting NO.

NON-CONSENT ITEMS – Items 39 - 56

ORDINANCES

Ordinance No. 5183 (No. LF091306-08), Adopting the 2005 National Electric Code with Amendments by Amending Chapter 15.16 of the Rapid City Municipal Code was introduced. Okrepkie moved, second by LaCroix that Ordinance No. 5183 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, October 2, 2006 at 7:00 P.M. Alderman Kooiker asked that staff mail a notification to those affected by the ordinance amendment, in order to allow them an opportunity for comment. Elkins indicated a public meeting was conducted and was well attended. Upon a vote being taken, motion carried.

Kooiker moved, second by Okrepkie and carried to ask staff to send out postcards to the main individuals affected by the ordinance amendment; and if staff receives a lot of phone calls, lot of concern then go ahead and hold a meeting; and if, proceed as is and let Council know what comments have been received.

Ordinance No. 5185 (No. 06RZ029), a request by Dan Wilson for Site Work Specialists for a **Rezoning from Office Commercial District to General Commercial District** on Parcel "A" located in the NE1/4 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, located east of Highway 16 and ¼ mile north of Catron Boulevard. The point of beginning for said parcel bears N00°00'39"E a distance of 712.38 feet from the former southeast corner of Aladdin Heights Subdivision, said point of beginning also bears S00°00'39"W a distance of 30.01 feet from the southeast corner of Lot 3 of Block 3 of the Aladdin Heights Subdivision which is marked with a 5/8" rebar with survey cap marked "LS 1019", said parcel is more particularly described as follows: Thence First Course: along a line with a bearing of

S89°59'21"E and a distance of 175.00; Thence Second Course: along a line with a bearing of S00°00'39"W and a distance of 475.19 feet; to an intersection with the northerly line of Lot 4 of Block 1 of Tower Ridge 2 Subdivision; Thence Third Course: along said Lot 4 with a bearing of N25°59'34"W and a distance of 55.28 feet; to the northeast corner of Lot 3 of Block 1 of Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with survey cap marked "LS 6117"; Thence Fourth Course: along the north line of said Lot 3 with a bearing of N71°06'44"W and a distance of 159.33 feet; to an intersection with easterly line of Aladdin Heights Subdivision; Thence Fifth Course: along the easterly line of Aladdin Heights Subdivision with a bearing of N00°00'39"E and a distance of 373.95 feet to the point of beginning., located northeast of the intersection of Promise Road and South Highway 16 was introduced. Okrepkie moved, second by Chapman that Ordinance No. 5185 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, October 2, 2006 at 7:00 P.M. Aldermen Hadcock, Chapman, and Schumacher asked that notification be given to those property owners in the vicinity of this rezoning request. Upon a vote on the motion to approve, motion carried.

Hadcock moved, second by LaCroix and carried to ask staff to send out postcards to those in the Enchanted Hills area about a public information meeting to be held before second reading of Ordinance No. 5185.

Ordinance No. 5186 (No. 06RZ030), a request by Dan Wilson for Site Work Specialists for a **Rezoning from Office Commercial District to General Commercial District** on Parcel "B" located in the SE1/4 SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Highway 16 and ¼ mile north of Catron Boulevard. The point of beginning being coincident of the southeasterly angle point corner of Lot 6, Block 1, Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with a survey cap marked "LS 6117", said point of beginning bears N14°47'32"E a distance of 83.36 feet from the northeasterly angle point corner of Lot 6 of Block 1 of Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with survey cap marked "LS 6117", said parcel is more particularly described as follows: Thence First Course: along a line with a bearing of S14°47'32"W and a distance of 462.12; Thence Second Course: along a line with a bearing of N47°07'10"W and a distance of 473.75 feet; Thence Third Course: along a line with a bearing of N51°24'18"W and a distance of 360.81 feet; to an intersection with southerly line of Lot 9 of Block 1 of Tower Ridge 2 Subdivision; Thence Fourth Course: along southerly line of Tower Ridge 2 Subdivision with a bearing of S62°12'23"E and a distance of 498.86 feet; to the southeast corner of Lot 7 of Block 1 of Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with a survey cap marked "LS 6117"; Thence Fifth Course: along the southerly line of Lot 6 Block 1 of Tower Ridge 2 Subdivision with a bearing N66°39'36"E and a distance of 333.09 feet to the point of beginning., located northeast of the intersection of Promise Road and South Highway 16 was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5186 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, October 2, 2006 at 7:00 P.M.

Ordinance No. 5187 (No. 06RZ031), a request by Lund Associates, Ltd. For Rapid City Regional Hospital for a **Rezoning from Medium Density Residential District to Office Commercial District** on Lot 1, Block 1, Fox Run Subdivision, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 301 Fox Run Drive was introduced. Okrepkie moved, second by Hurlbut and carried that Ordinance No. 5187 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, October 2, 2006 at 7:00 P.M.

Ordinance No. 5188 (No. 06RZ032), a request by Sperlich Consulting, Inc. for Schriener Investments, LLC for a **Rezoning from General Agriculture District to Low Density Residential District** on an unplatted parcel of land located in the SE1/4 NE1/4 NE1/4; NE1/4 SE1/4 NE1/4; excepting Tract B of Medicine Ridge, located in the NE1/4 NE1/4, SE1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the western terminus of Stumer Road was introduced. Okrepkie moved, second by Johnson and carried that Ordinance No. 5188 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, October 2, 2006 at 7:00 P.M.

Ordinance No. 5189 (No. 06RZ033), a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on a tract of land located in the NW1/4 SE1/4, NE1/4 SE1/4, and the SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. More particularly described as follows: Commencing at the Northwest corner of Highway Lot H1 as recorded on page 163 of Highway Plat Book 10, said point being consistent with the Northeast corner of Right of Way at the intersection of Spruce Street and Farnwood Avenue; Thence S89°45'36"E a distance of 395.85 feet to a point on the on the north line of said Lot H1, this point being the True Point of Beginning; Thence S89°45'36"E a distance of 665.22 feet to the Northeast corner of said Lot H1; Thence N89°59'58"E a distance of 221.59 feet; Thence S00°14'32"W a distance of 504.15 feet; Thence 61°23'38"W a distance of 711.10 feet; Thence S82°00'57"W a distance of 80.00 feet; Thence along the arc of a curve to the left whose chord bears N14°13'23"W with a length of 99.98 feet, having a radius of 460.00 feet, a central angle of 12°28'41" and an arc length of 100.18 feet, to a point on the south line of said Lot H1; Thence 89°45'36"W a distance of 156.57 feet, to the Southwest corner of said Lot H1; Thence N00°00'42"W a distance of 80.00 feet to the point of beginning., located at the eastern terminus of Farnwood Avenue was introduced. Okrepkie moved, second by Okrepkie and carried that Ordinance No. 5189 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, October 2, 2006 at 7:00 P.M.

Ordinance No. 5190 (No. 06RZ035), a request by Dream Design International, Inc. for a **Rezoning from Medium Density Residential District to General Commercial District** on a tract of land located in the NE1/4 SE1/4, and the SE1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. More particularly described as follows: Commencing at the Northwest corner of Highway Lot H1 as recorded on page 163 of Highway Plat Book 10, said point being consistent with the Northeast corner of Right-of-Way at the intersection of Spruce Street and Farnwood Avenue, this point being the True Point of Beginning; Thence S89°45'36"E a distance of 395.85 feet to a point on the north line of said Lot H1; Thence S00°00'42"E a distance of 80.00 feet to a point on the south line of said Lot H1; Thence N89°45'36"W a distance of 395.84 feet to the southwest corner of said Lot H1; Thence N00°01'26"W a distance of 80.00 feet to the point of beginning; Said tract of land containing 0.73 Acres, more or less., located at the eastern terminus of Farnwood Avenue was introduced. Okrepkie moved, second by Hurlbut and carried that Ordinance No. 5190 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, October 2, 2006 at 7:00 P.M.

The next item for consideration is **Ordinance No. 5179** (No. LF083006-14), Regarding FY2007 Appropriation Ordinance, which having passed first reading on September 5, 2006, Okrepkie moved, second by Johnson that the title be read the second time. Alderman Schumacher indicated concern about using the reserve and a structural deficit. He indicated that although

this type of deficit is common practice, he suggested Council needs to work with the Mayor to find solutions. Schumacher indicated that the Council needs to review the budgeting process, and suggested starting from a zero based budget. Alderman Kooiker indicated concern about the sales tax revenue projections, pointing out that revenues and the economy are down. He indicated that ten percent of the City's FY2007 budget is to come from the undesignated fund balance or reserve. Kooiker suggested it was okay to use some of the reserve to balance the budget, only if the City had a plan to put into action to keep from spending the fund. Kooiker reminded the members that he and Alderman Schumacher asked for a list of one percent worth of cuts, and were told that due diligence had already been done and the budget was tight. Mayor Shaw indicated that the City is not proposing to spend any reserve money, and will preserve the fifteen percent reserve. Shaw stressed that there is no deficit being proposed; and for FY2007, the budget utilizes a conservative revenue figure and assumes all expenditures will be made. He explained that the difference between the budget and the actual spending for FY2007 will be \$4.3 Million. Shaw indicated that he takes his roll of elected official seriously, and his main responsibility is the City's budget and spending taxpayer dollars wisely and efficiently. Shaw reiterated that the budget represents the expenditure of money, and money represents services to the community.

Okrepkie called the question, second by Johnson. Upon a roll call vote, the following voted AYE: Olson, Johnson, LaCroix, and Okrepkie; NO: Kroeger, Kooiker, Chapman, Hurlbut, Hadcock, and Schumacher. Motion failed.

Alderman Schumacher defined structural deficit as revenues not being sufficient to support the expenditures. He believed this to be indicative of potential future problems. Schumacher indicated his desire to be involved in the budget process from the beginning. Alderman Kooiker indicated he offered several solutions to reducing the budget; those being the reduction in the travel line item, operational needs, and management salaries. Finance Officer Preston indicated that department directors trimmed their budgets, which resulted in \$1.6 Million of unfunded needs to provide services. He reminded the members that the FY2006 budget was based on 2004 actual revenues; and 2005 actual revenues was significantly higher than the 3.5 percent. Preston pointed out that the State of South Dakota and Sioux Falls like to use the term structural deficit. Rapid City does not use the term. Rapid City uses fund balance or undesignated cash because, traditionally, it is not spent by the City. He indicated that a true structural deficit is ongoing and money is being taken out of a reserve or undesignated cash. Preston explained that the Condrey Wage Study was done and the recommendation was to increase upper management salaries to attract and retain qualified personnel.

Chapman moved, second by LaCroix to call the question. Motion carried.

Upon a vote being taken on the motion to approve, the following voted AYE: Kroeger, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, Hadcock, and Olson; NO: Kooiker and Schumacher; whereupon the Mayor declared the motion passed and Ordinance No. 5179 was declared duly passed upon its second reading.

Ordinance No. 5180 (No. LF083006-17), Establishing Budgetary Controls by Amending Chapter 2.04 of the Rapid City Municipal Code having passed first reading on September 5, 2006, Okrepkie moved, second by LaCroix that the title be read the second time. Substitute motion was made by Chapman, second by Olson and carried to continue second reading of Ordinance No. 5180 to the November 20, 2006 Council meeting.

Ordinance No. 5182 (No. CC090506-03), Regarding Supplemental Appropriation No. 5 for 2006 having passed first reading on September 5, 2006, Okrepkie moved, second by Hurlbut that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5182 was declared duly passed upon its second reading.

GROWTH MANAGEMENT DEPARTMENT ITEMS

The Mayor presented No. 06PL074, a request by Wyss Associates, Inc. for WEB Land Holdings, LLC for a **Layout Plat** 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. Olson moved, second by Johnson and carried to approve the 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, a grading plan and an erosion and sediment control plan for all improved areas prepared by a Registered Professional Engineer shall be submitted for review and approval; 3. Upon submittal of a Preliminary Plat, a Drainage Plan in accordance with the Meade Hawthorne Drainage Basin Design Plan shall be submitted for review and approval. In particular, the drainage plan shall include calculations demonstrating that discharge from any site facilities will result in net drainage basin run-off not exceeding pre-development flows or local detention facilities shall be provided or expanded as necessary. In addition, the plat document shall be revised to provide drainage easements as needed; 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. 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, the water plans shall demonstrate 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 Fairmont Boulevard shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained; 8. Upon submittal of a Preliminary Plat application, road construction plans for Pevans Parkway shall be submitted for review and approval. In particular, the street shall be located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained.

addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 9. Upon submittal of a Preliminary Plat, the plat document shall be revised to provide a non-access easement along Fairmont Boulevard except for the approved approach locations as per the Street Design Criteria Manual; 10. 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; 11. Prior to submittal of a Preliminary Plat application, an Exception to allow a 1,570 foot long cul-de-sac with no intermediate turnarounds every 600 feet in lieu of a maximum 500 foot long cul-de-sac as per the Street Design Criteria Manual or the plat document shall be revised accordingly; 12. Prior to Preliminary Plat approval by the City Council, all construction plans and final Engineering reports shall be sealed and signed by a Professional Engineer registered by the State of South Dakota; 13. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the sewer main located through the northern portion of the property within a utility easement. In addition, the terms of the easement shall be submitted for review and approval; 14. Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; and, 15. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

LEGAL & FINANCE COMMITTEE ITEMS

Okrepkie moved, second by Hurlbut to approve No. LF091306-10, a request for concurrence to proceed with development of the West Boulevard Historic Overlay District preservation ordinance in conjunction with the State Historic Preservation Office. Alderman Johnson suggested the ordinance must be fair, reasonable, protects the neighborhood, and does not give an individual or an organization the right to take away a property owner's rights. Upon a vote being taken on the motion, motion carried.

PUBLIC WORKS COMMITTEE ITEMS

Olson moved, second by Chapman for discussion purposes, to uphold (No. PW091206-01) the denial of a request for an exception to pave in the boulevard area for public parking at 228 and 230 E. Kansas City Street, Roger Clausen. Alderman Olson noted that at the present time, parking is allowed in the boulevard at this location; and indicated that the City Attorney's Office advises that there is no ordinance that applies in this situation. In response to a question from Alderman Olson, Growth Management Director Elkins suggested that parking be allowed in the right-of-way, but do it in such a way that it is controlled, designed and constructed similar to that in the downtown area. Alderman Kooiker noted that the applicant is proposing to improvement something that already exists.

Substitute motion was made by Kooiker, second by Hurlbut to grant the exception and approve the applicant's request to pave in the boulevard area for public parking at 228 & 230 E. Kansas City Street. Motion carried.

Olson moved, second by Hadcock and carried to refer the discussion about parking in the boulevard to the September 26, 2006 Public Works Committee meeting.

Olson moved, second by Schumacher to approve PW091206-13, a request to expand Sanitary Sewer Supplemental Fee Area established February 3, 2003, Hani Shafai for Dennis Zandstra Real Estate Holdings. Substitute motion was made by Hadcock, second by LaCroix and carried to continue to the October 2, 2006 Council meeting.

BIDS

The following companies submitted bids for No. CC090506-02, Country Road Regional Lift Station City Project SS03-1255 opened August 29, 2006: Mainline Contracting, Inc. and R.C.S. Construction, Inc. Staff reviewed the bids and recommends the bid award to R.C.S. Construction, Inc. Chapman moved, second by Okrepkie and carried to approve the bid award for the Country Road Regional Lift Station City Project SS03-1255 to the lowest responsible bidder meeting specifications, R.C.S. Construction, Inc. for the low unit prices bid for a total contract amount of \$1,125,000.00.

The following companies submitted bids for No. CC091806-02, Prairiefire Sewer Main Project No. SS06-1594 / CIP No. 50659 opened September 5, 2006: Site Work Specialists, Inc., Mainline Contracting, Inc., and Hills Materials Company. Staff reviewed the bids and recommends the bid award to Site Work Specialists, Inc. Johnson moved, second by LaCroix and carried to approve the bid award for the Prairiefire Sewer Main Project No. SS06-1594, to the lowest responsible bidder meeting specifications, Site Work Specialists, Inc. for the low unit prices bid for a total contract amount of \$421,487.90.

The following companies submitted bids for No. CC091806-02, East Franklin Street Sanitary Sewer Project No. SS06-1557 / CIP No. 50648 opened September 12, 2006: Mainline Contracting, Inc., Hills Materials Company, and Warax Excavating, Inc. Staff reviewed the bids and recommends the bid award to Warax Excavating, Inc. Kooiker moved, second by Hadcock and carried to approve the bid award for the East Franklin Street Sanitary Sewer Project No. SS06-1557 to the lowest responsible bidder meeting specifications, Warax Excavating, Inc. for the low unit prices bid for a total contract amount of \$88,080.50.

The following companies submitted bids for No. CC091806-02, Sitka Street and Richland Drive Area Drainage Project No. DR06-1571 / CIP No. 50602 opened September 12, 2006: Mainline Contracting, Inc., Hills Materials Company, and Simon Contractors of SD, Inc. Staff reviewed the bids and recommends the bid award to Mainline Contracting, Inc. Olson moved, second by Okrepkie and carried to approve the bid award for the Sitka Street and Richland Drive Area Drainage Project No. DR06-1571 to the lowest responsible bidder meeting specifications, Mainline Contracting, Inc. for the low unit prices bid for a total contract amount of \$24,990.50.

MAYOR'S ITEMS

The Mayor presented a Travel Request for Aldermen Johnson, Hadcock, Okrepkie, LaCroix and Chapman to attend National League of Cities Conference, Reno, NV, December 5 – 10, 2006, in the approximate amount of \$9,760; whereupon Johnson moved, second by Chapman to approve. Schumacher suggested room sharing and asked for a report upon return from the

conference. Aldermen Johnson and Okrepkie noted their decline on the suggestion of room sharing. Motion carried with Kooiker and Schumacher voting NO.

Chapman moved, second by LaCroix and carried to refer Mayor / Council Travel Policy discussion to the September 27, 2006 Legal & Finance Committee meeting.

COUNCIL ITEMS & LIAISON REPORTS

The Mayor indicated that members of the "M" Hill task force will meet Wednesday, September 20, 2006 at 8:30 A.M. and extended an invitation to the Council to attend.

PUBLIC HEARING ITEMS - Items 57 – 85

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

Steven Brenden, Rapid City addressed 58., 79., 82. & 84. asking Council to continue these items as there are several unresolved issues.

Curt Pochardt, 1314 7th Street addressed 81. indicating that a group of neighbors appeared before the Planning Commission with a request of the applicant to maintain a twenty-one foot wide grass buffer between the residential neighborhood and the paved parking lot. Pochardt indicated that the applicant was opposed to the request. Pochardt asked for a grass buffer and a minimum of twelve shrubs.

CONTINUED PUBLIC HEARINGS CONSENT CALENDAR – Items 57 - 76

The following continued items were removed from the consent calendar:

70. No. 06VE020 - A request by Centerline, Inc. for DJS Holdings, LLC for a Vacation of Access and Utility Easement

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

Continue the following items until October 2, 2006:

57. 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, 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.
58. 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 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.

59. No. 06PL102 - A request by Centerline, Inc. for Rapid City Area School District for a **Preliminary Plat** on Lots 1 thru 6, Block 3, located in the NW1/4 NW1/4 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in NW1/4 NW1/4 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Fifth Street and Enchanted Pines Drive.
60. 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.
61. No. 06PL114 - A request by Renner & Associates for ARC International for a **Preliminary Plat** on Lot 3, Barnhart Addition, formerly the residual portion of Lots B and C, located in the SW1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the residual portion of Lots B and C, located in the SW1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2990 East Highway 44.
62. 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.
63. 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.
64. No. 06PL127 - A request by Renner & Associates for Royal Nielsen for a **Preliminary Plat** on Lot A, formerly a portion of Lot 15 Revised, Hills View Subdivision, located in the NE1/4 SE1/4, Section 5, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Lot 15 Revised, Hills View Subdivision, located in the NE1/4

SE1/4, Section 5, T1N, R8E, BHM, Pennington County, South Dakota, located west of Hillside Drive and North of SD Highway 40.

65. No. 06PL135 - A request by D. C. Scott Co. Land Surveyors for IGT for a **Preliminary Plat** on Lots 1 and 2, IGT Subdivision, formerly Tract B of Tract 1 of the W1/2 SW1/4, Section 23, and Tract 2 of the SW1/4 NW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of Tract 1 of the W1/2 SW1/4, Section 23, and Tract 2 of the SW1/4 NW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of SD Highway 16 and south of Fox Road.
66. 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.
67. 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.
68. No. 06SV049 - A request by Renner & Associates for Royal Nielsen for a **Variance to the Subdivision Regulations to reduce the right-of-way from 49 feet to 25 feet along an access easement and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot A, formerly a portion of Lot 15 Revised, Hills View Subdivision, located in the NE1/4 SE1/4, Section 5, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Lot 15 Revised, Hills View Subdivision, located in the NE1/4 SE1/4, Section 5, T1N, R8E, BHM, Pennington County, South Dakota, located west of Hillside Drive and North of SD Highway 44.
69. No. 06SV052 - A request by D. C. Scott Co. Land Surveyors for IGT for a **Variance to the Subdivision Regulations to waive the requirement to develop the section line**

roadway; to dedicate additional public right-of-way; and waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water, additional pavement and planting screen easement on Lots 1 and 2, IGT Subdivision, formerly Tract B of Tract 1 of the W1/2 SW1/4, Section 23, and Tract 2 of the SW1/4 NW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of Tract 1 of the W1/2 SW1/4, Section 23, and Tract 2 of the SW1/4 NW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of SD Highway 16 and south of Fox Road.

71. No. 06VR007 - A request by Centerline, Inc. for Rapid City Area School District No. 51 for a **Vacation of Section Line Right-of-Way** on Section line Right-of-Way lying in the SW1/4 SW1/4 SE1/4, Section 13, and the NW1/4 NW1/4 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Fifth Street and north of Enchanted Pines Drive.

Continue the following items until October 16, 2006:

72. 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.
73. 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.
74. 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 NW¹/₄ SW¹/₄, Section 26 and the NE¹/₄ SE¹/₄, 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 NE¹/₄ SE¹/₄ 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 NE¹/₄ SE¹/₄ of said Section 27 monumented with an Iron rod; Thence N89°55'39" E 390.12 feet along the South line of the NW¹/₄ SW¹/₄ 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.

75. No. 06PL133 - A request by Sperlich Consulting, Inc. for Doeck, LLC for a **Preliminary Plat** on Lots 15 thru 23, Block 1; Lots 1 thru 16, Block 3; Lots 1 thru 19, Block 4; Lots 1 thru 6, Block 5; Lot 1, Block 7; 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.
76. No. 06SV050 - A request by CETEC Engineering for Franklin O. Simpson for a **Variance to the Subdivision Regulations to waive the requirement to reduce the pavement width from 27 feet to 24 feet along Sunny Springs Drive as per Chapter 16.16 of the Rapid City Municipal Code** 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 NW¼ SW¼, Section 26 and the NE¼ SE¼, 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 NE¼ SE¼ 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 NE¼ SE¼ of said Section 27 monumented with an Iron rod; Thence N89°55'39" E 390.12 feet along the South line of the NW¼ SW¼ 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.

End of Continued Items Consent Calendar

The Mayor presented No. 06VE020, a request by Centerline, Inc. for DJS Holdings, LLC for a **Vacation of Access and Utility Easement** on an access easement adjacent to the north edge of Lot 2B, Lot B, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1501 Cambell Street. The following resolution was introduced, read and Johnson moved its adoption:

RESOLUTION OF VACATION
OF THE ACCESS AND UTILITY EASEMENT

WHEREAS it appears that the 30 feet of the access and utility easement adjacent to the north edge of Lot 2B, Lot B, Bradsky Subdivision, located in the NE1/4 SE1/4, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 1501 Cambell Street, is no longer needed for public purposes; and

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

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

Dated this 18TH day of September, 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 second by Okrepkie with the following stipulations: 1. Prior to City Council approval, responses from all the affected public utility companies shall be received for review and approval; 2. Prior to Planning Commission approval, the applicant shall submit a site plan showing that the water line and fire hydrant are located within the proposed 20 foot easement or submit a revised easement document for review and approval; 3. Prior to Planning Commission approval, the applicant shall submit a revised easement document maintaining a 30 foot access easement onto the adjacent property for review and approval; 4. Prior to City Council approval, a revised Exhibit "A" shall be submitted for review and approval; and, 5. Prior to City Council approval, a miscellaneous document shall be recorded with the Register of Deeds office creating a 20 foot access and utility easement. 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.

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

PUBLIC HEARING CONSENT ITEMS – Items 77 - 78

ALCOHOL LICENSES

City Attorney Green asked that the applications for Black Hills Coffee Company be denied as the Conditional Use Permits is denied. Okrepkie moved, second by Johnson and carried with Okrepkie voting NO to deny Black Hills Coffee Company dba **Black Hills Coffee Company**, 5955 S. Hwy 16, Suite G for a Retail (On-Off Sale) Malt Beverage License without Video Lottery; and Black Hills Coffee Company dba **Black Hills Coffee Company**, 5955 S. Hwy 16, Suite G for a Retail (On-Sale) Wine License.

PUBLIC HEARING NON-CONSENT ITEMS – Items 79 - 85

Hurlbut moved, second by Hadcock and carried to continue No. 06CA018, a request by Dream Design International for an **Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Low Density Residential with a Planned Residential Development** on the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of Elk Vale Road, northeast of Old Folsom Road and south of Elks Country Estates to the October 2, 2006 Council meeting.

The Mayor presented No. 06CA024, a request by CETEC Engineering for Franklin O. Simpson for an **Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the land use designation from Park Forest to Medium Density Residential with a Planned Residential Development** on a parcel of land in the NW¼ SW¼, Section 26 and the NE¼ SE¼, 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 NE¼ SE¼ 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 NE¼ SE¼ of said Section 27 monumented with an Iron rod; Thence N89°55'39" E 390.12 feet along the South line of the NW¼ SW¼ 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. 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 18th day of September, 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 North Rapid Neighborhood Area Future Land Use Plan to change the land use designation from Park Forest to Medium Density Residential with a Planned Residential Development on a parcel of land located in the NW¼ SW¼, Section 26 and the NE¼ SE¼, 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 NE¼ SE¼ 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 NE¼ SE¼ of said Section 27 monumented with an Iron rod; Thence N89°55'39" E 390.12 feet along the South line of the NW¼ SW¼ 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; 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 by changing the Future Land Use designation from Park Forest to Medium Density Residential with a Planned Residential Development on a parcel of land located in the NW¼ SW¼, Section 26 and the NE¼ SE¼, 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 NE¼ SE¼ 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 NE¼ SE¼ of said Section 27 monumented with an Iron rod; Thence N89°55'39" E 390.12 feet along the South line of the NW¼ SW¼ 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 as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 18TH day of September, 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.

Olson moved, second Kroeger that No. 06PD048, a request by Sperlich Consulting, Inc. for Black Hills Health and Wellness for a **Major Amendment to a Planned Commercial Development to expand the boundaries of a Planned Commercial Development and**

construct a parking lot on Lots 2 thru 5 of Block 36 of Boulevard Addition, located in the NE1/4 SE1/4, Section 2, T1N, R7E, BHM; and Lots 17 thru 22 of Block 9 of Flormann Addition, located in the NW1/4 SW1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1220 Mt. Rushmore Road, 722 and 732 Fairview Street be approve with the following stipulations: 1. A building permit shall be obtained prior to any construction and a certificate of occupancy shall be obtained prior to occupancy; 2. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval showing the required accessible parking spaces and required setback along a single-family residential lot line; 3. All site lighting shall be directed away from the adjacent rights-of-way and residential zoned properties; 4. Prior to Planning Commission approval, a sign package shall be submitted for review and approval showing any additional signage provided or a Major Amendment to the Planned Commercial Development must be obtained for any additional signage; 5. Prior to installation of any signage a sign permit shall be obtained; 6. Upon submittal of a Building Permit application, a revised landscaping plan shall be submitted for review and approval. In particular, a minimum of 12 shrubs and eight trees shall be planted along the eastern lot line of the subject property; 7. The existing and proposed structure shall be fully fire sprinkled as per the 2003 International Fire Code and all applicable provisions of the International Fire Code shall be continually met; 8. Prior to issuance of a building permit, plans for the retaining wall shall be submitted for review and approval; and, 9. The Major Amendment to a Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. In response to a question from Alderman Kooiker, Pochardt indicated that stipulation 6. is not the ideal, but would consider it acceptable. Responding to a question from Alderman Kooiker, Elkins indicated that Council could require irrigation. Friendly amendment was offered by Alderman Kooiker to require irrigation of the vegetation. Upon a vote being taken on the motion as amended, motion carried.

Olson moved, second by Johnson and carried that No. 06SV039, a request by Dream Design International for a **Variance to the Subdivision Regulations to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** 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 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 be continued to the October 2, 2006 Council meeting.

Olson moved, second by Okrepkie and carried that No. 06SV051, a request by Advanced Engineering & Surveying, Inc. for Shane Daniel for a **Variance to the Subdivision Regulations to waive the requirement to install sewer, water, street light conduit; and to waive the requirement to install sidewalk on both sides of the street as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts 1 and 2 of Lot B3 of Parcel B, MJK Subdivision, formerly Plat of Lots B2 and B3 of Parcel B, MJK Subdivision, formerly a part of Parcel B, MJK Subdivision, located in the NW1/4 SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Plat of Lots B2 and B3 of Parcel B, MJK Subdivision, formerly a part of Parcel B, MJK Subdivision, located in the NW1/4 SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the

intersection of Derby Lane and East Minnesota Street be approved with the following stipulation: A sidewalk shall be provided on the south side of the access easement.

The Mayor presented No. 06RZ019, second reading of **Ordinance No. 5166**, a request by Dream Design International for a **Rezoning from No Use District to Low Density Residential District** on the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of Elk Vale Road, northeast of Old Folsom Road and south of Elks Country Estates. Notice of hearing was published in the Rapid City Journal on July 8, 2006 and July 15, 2006. Ordinance No. 5166 have had the first reading on July 5, 2006; Johnson moved, second by Okrepkie to continue second reading to the October 2, 2006 Council meeting. Motion carried.

The Mayor presented No. 06RZ028, second reading of **Ordinance No. 5181**, a request by CETEC Engineering for Franklin O. Simpson for a **Rezoning from General Agriculture District to Medium Density Residential District** on a parcel of land beginning at the southwest corner of the NW1/4 SW1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence N89°55'39"E 240.24 feet to a point; Thence N29°57'38"W 245.17 feet to a point; Thence N05°57'38"W 321.39 feet to a point on the Right-of-Way of Harmony Heights Lane; Thence S72°10'55"W 205.74 feet along said Right-of-Way to a point; Thence along a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet to a point on said Right-of-Way; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE1/4 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence along said South line N89°41'23"E 114.61 feet to the point of beginning, located southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive. Notice of hearing was published in the Rapid City Journal on September 9, 2006 and September 16, 2006. Ordinance No. 5181 have had the first reading on September 5, 2006; Olson moved, second by Okrepkie that the title be read the second time. The following voted AYE: Schumacher, 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. 5181 the second time.

BILLS

The following bills having been audited, it was moved by Olson, second by Okrepkie and carried with Schumacher voting NO, to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof:

Payroll Paid Ending 09-02-06, Paid 09-08-06	731,900.75
Payroll Paid Ending 09-02-06, Paid 09-08-06	3,425.60
Pioneer Bank, Taxes Paid 09-08-06	174,019.94
Pioneer Bank, Taxes Paid 09-08-06	236.69
South Dakota Retirement System, August retirement	339,113.57
South Dakota Retirement System, August retirement	411.06
Black Hills Electric Cooperative, electricity	845.95
Black Hills Power & Light, electricity	99,854.85
Black Hills Power & Light, electricity	18,645.24
Black Hills Power & Light, electricity	31,161.68
Montana Dakota Utilities, gas	218.95
West River Electric Association, electricity	20,233.64

Roger Marshal, water refund	92.61
South Dakota Retirement Special Pay Plan, Solano fee	130.16
First Administrators, claims paid 09-05-06	41,668.67
First Administrators, claims paid 09-12-06	66,083.59
United States Postmaster, postage	1,800.00
Computer Bill List	<u>3,984,706.04</u>
Subtotal	\$5,514,548.99
Payroll Paid Ending 09-02-06, Paid 09-08-06	2,650.12
Pioneer Bank, Taxes Paid 09-08-06	202.73
South Dakota Retirement System, August retirement	305.46
Charles Braunersrither, volunteer stipend	150.00
City of Rapid City, postage	208.50
City of Rapid City, health insurance	440.00
Prairie Wave Communications, telephone	30.97
RSVP Petty Cash, Rapid Ride bus ticket	20.00
Simpson's Printing, newsletter	103.82
Standard Life, life insurance	<u>7.00</u>
Subtotal	\$5,518,667.59
Heavy Constructors, Inc., CO #3F, ST02-1071	6,872.38
Quinn Construction, Inc., CO #1, CLP Channel Project	72.46
R.C.S. Construction, Inc., CO #1F, ST03-1330	702.57
City of Rapid City, Postage	<u>.47</u>
Total	\$5,526,315.47

Alderman Johnson addressed an article in the Rapid City Weekly News and read an excerpt from the article. Johnson noted that a detailed bill list is electronically linked to the Council's agenda, as well as copied to the Council members. With the aid of an overhead projector, Johnson reviewed the information requested by Aldermen Kooiker and Schumacher and indicated the information was copied and distributed to Aldermen Kooiker and Schumacher. Johnson indicated his disappointment in being charged with dishonesty and deceit, and suggested that the charges that were levied should be backed by the facts. Alderman Kooiker indicated the information requested was received only after complaining publicly about the unavailability of the information.

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 11:17 P.M.

ATTEST:

Finance Office

(SEAL)

CITY OF RAPID CITY

Mayor