

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

April 16, 2007

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, April 16, 2007 at 7:00 P.M.

The following members were present: Mayor Jim Shaw and the following Alderpersons: Karen Olson, Ron Kroeger, 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 Sam Kooiker; 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:

- Change hearing date to May 7, 2007 for Alcoholic Beverage License Applications
- 75.A. Traffic control sign installation on Saint Patrick Street at Mount Rushmore Road
- 79.A. Rapid City Public Library book sponsorship, Alderman Kroeger
- 79.B. April 28, 2007 Rapid City Clean Up Day, Alderman Hadcock
- 79.C. Appointment of George Dunham to the Council Development Committee, Alderman Johnson
- 79.D. Accreditation Hearing for Rapid City Police Department
- 116.A. Authorize the Mayor and Finance Office to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, and street light conduit along Reservoir Road as they abut the subject property (07SV019)
- 132. Deny without prejudice at the applicant's request
- Executive Session

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

APPROVE MINUTES

Chapman moved, second by Okrepkie and carried to approve the minutes of April 2, 2007.

AWARDS AND RECOGNITIONS

Mayor Shaw presented the Veteran of the Month for April, 2007 to Frank Henderson and recognized his efforts and dedication to the service of his country and community.

GENERAL PUBLIC COMMENT

Steven Brenden, Rapid City reported reading the editorial page of the Rapid City Journal on the Visitor Center. He suggested the City should not promote private businesses but provide the

infrastructure necessary for businesses to succeed. Brenden reminded the members that the citizen voice makes the difference and he advocates for the citizens of Rapid City.

At 7:18 P.M. Alderman Schumacher entered the meeting.

NON-PUBLIC HEARING ITEMS -- Items 3 - 79

Chapman moved, second by LaCroix and carried to open public comment on Items 3-67. No comments were offered. Kroeger moved, second by Olson and carried to close public comment on Items 3-67.

CONSENT ITEMS – Items 3 - 67

The following items were removed from the Consent Items:

14. No. PW041007-05 – Acknowledge report on the installation of traffic signal at the intersection of North LaCrosse Street and East Monroe Street; and request staff to place this intersection on the list of proposed signalized intersections.

27. No. LF041107-28 - Request that the contract with the National Trust for Historic Preservation in the United States be terminated voluntarily; and if agreed, by the National Trust, those funds be reallocated to fund the Roger Brooks Branding, Development and Marketing Action Plan with the provision that the final adoption of the Branding, Development and Marketing Action Plan be approved by the City Council.

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

Alcoholic Beverage License Applications Set for Hearing (May 7, 2007)

3. **Rapid City Regional Hospital Foundation** for a special Wine License for an event scheduled June 23, 2007 at The Club at Red Rock, 6520 Birkdale Drive
4. Faryat, Inc. dba **Botticelli Ristorante Italiano**, 523 Main Street for a Package (Off-Sale) Liquor License
5. Frank Morrison dba **Thirsty's**, 819 Main Street for a Retail (On-Sale) Wine License
6. Frank Morrison dba **Thirsty's**, 819 Main Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery Transfer from The Retired Enlisted Association, Chapter 29, 1981 East Centre Street
7. M.G. Oil Company dba **Chance's Casino**, 110 N. Cambell St., Suite E for a Retail (On-Off Sale) Malt Beverage License with Video Lottery Transfer from Vernon D. Hellwig dba Chance's, 110 Cambell St., Suite E
8. M.G. Oil Company dba **Corner Pantry – Deadwood Avenue**, 501 Deadwood Avenue for a Package (Off-Sale) Malt Beverage License Transfer from Flannery Oil, Inc. dba Corner Pantry – Deadwood Avenue, 501 Deadwood Avenue

Public Works Committee Consent Items

9. No. PW041007-01 – Request staff to prepare an ordinance amending Chapter 8.08.030 of the Rapid City Municipal Code to allow an exception for single story, residential apartment structures, comprised of four dwelling units each, which are the sole

- residential building components of an approved Planned Residential Development (PRD) having a total of at least 40 dwelling units and which are addressed on private streets.
10. No. PW031407-01 – Acknowledge Corner Construction Corporation’s withdrawal of request to be reinstated as a responsible bidder
 11. No. PW041007-03 – Acknowledge report on traffic issues and signage in the Pinedale Heights area
 12. No. PW041007-16 - Acknowledge report on Rapid Transit Trolley relating to routes, route schedules, fares and hours of operation
 13. No. PW041007-04 – Grant pre-approval of School Zone Beacon Change Order
 15. No. PW041007-06 – Approve Change Order No. 2 for Meade Street Reconstruction , Phase 1 -- East Meade Street from Birch Avenue to Hoefer Court; Project No. DR03-1333 / CIP No. 50145 to Highmark, Inc. for a decrease of \$40.00.
 16. No. PW041007-07 – Approve Change Order No. 6F for East Mall Drive; Project No. ST03-1334 to Heavy Constructors, Inc. for a decrease of \$40,797.46.
 17. No. PW041007-08 – Approve Change Order No. 1 for Solar Powered School Zone Beacons and School Speed Zone Signs; Project No. SIG06-1617 / CIP No. 50638 for an increase of \$4,465.30.
 18. No. PW041007-09 – Authorize staff to advertise for bids for Well No. 8 Pump Replacement; Project No. W07-1644 / CIP #50677
 19. No. PW041007-10 – Authorize the Mayor and Finance Officer to sign a Covenant Agreement with Horst Development, LLC concerning Centre Street Sanitary Sewer Extension Construction Fee.
 20. No. PW041007-11 – Authorize the Mayor and Finance Officer to sign a Sewer Construction Fee Resolution for Centre Street Sewer Extension.

RESOLUTION

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

WHEREAS, Horst Developments, L.L.C., a limited liability company organized under the laws of the State of South Dakota, hereinafter referred to as the “Developer”, wishes to develop property located within City jurisdictional limits, and further wished to connect to the City’s sewer collection system, and the City desires to provide such sewer service; and

WHEREAS, the Developer has signed a Covenant and Agreement to construct approximately 400 linear feet of offsite 8 inch PVC sewer main on Centre Street near Horst Developments, LLC as per plans prepared by Ferber Engineering Company, Inc. titled “Horst Sanitary Sewer Extension” dated February 23, 2006; and

WHEREAS, the total calculated costs including engineering and construction costs for the offsite sewer system improvements, to be paid for by the Developer, was determined to be \$36,737.98, said costs do not include the cost of constructing the sewer or service mains within the Developer’s property; and

WHEREAS, the City has approved a Covenant and Agreement to present a proposed Sewer Utility Construction Fee Resolution to its Common Council which would establish a

construction fee, based on the total calculated costs, to be levied against property that benefits from the sewer system improvements and to collect said fees and reimburse said Developer for the cost of such; and

WHEREAS, the City has identified two properties, including the Developer's property, shown in Exhibit A attached hereto and incorporated herein, that may benefit from the above described offsite sewer system improvements; and

WHEREAS, the total project costs of the offsite sewer system improvements shall be equally proportioned to the properties identified in Exhibit A, excluding the Developer's property, or by any future subdivisions thereof, before such properties will be serviced with such facilities; and

WHEREAS, the Common Council finds, after conducting a comprehensive investigation of the areas benefited by the construction of the sewer mains associated with the Horst Centre Street sewer extension that such utility construction fees are appropriate and in the best interest of the City, community, and the sewer utility.

NOW, THEREFORE, be it resolved that utility construction fee is hereby imposed on the property, or any future subdivisions thereof identified in Exhibit A, that benefits from the above described offsite construction of the sewer utility along Centre Street; and

BE IT FURTHER RESOLVED, the identified benefiting properties shall be required to pay a proportional share of the construction of the extension of the sewer main at such time a request is made for a sewer service tap for that property; and

BE IT FURTHER RESOLVED, the sewer utility construction fee is established by dividing the total calculated costs of the sewer main extension (\$36,737.98), by the number of benefiting lots, said amount being \$18,368.99(two lots one being the Developer's) ; and

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

BE IT FURTHER RESOLVED, such sewer utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$36,737.98 minus the Developer's proportional share (\$18,368.00), said being \$18,368.99 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

BE IT FURTHER RESOLVED, the Developer will be reimbursed its costs associated with extending the sewer main from the sewer utility construction fees collected as established herein.

Dated this 16th day of April, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

21. No. PW041007-12 – Authorize the Mayor and Finance Officer to sign Amendment No. 1 to the Professional Services Agreement with Ferber Engineering Company, Inc. for LaCrosse Street and Philadelphia Street Drainage Improvements Project No. DR01-1157 / CIP #50438 for an amount not to exceed \$48,141.00.
22. No. PW041007-13 – Authorize the purchase of a parcel of land from the South Dakota Department of Transportation Railroad Authority to allow the City to proceed with the Knollwood Drainage Basin Elements 2 & 20, and 3 and 5 Project No. DR04-1390 for an amount of \$490,000.00.
23. No. PW041007-14 – Authorize staff to request Consulting Engineering Proposals to provide alternatives and costs for the LaCrosse Street Drainage, Secondary Basin Outfall Project No. DR07-1646 / CIP #50680.
24. No. PW041007-15 – Authorize staff to request Engineering Design Proposals for the Meadowbrook Golf Course Bridge Repairs.
25. No. 07TP006 – Approve 2007-2011 Transportation Improvement Program Amendment No. 07-012.

Legal & Finance Committee Consent Items

26. Acknowledge the request from Berlyn Ghost regarding an ordinance banning driving and cell phone use.
28. No. LF041107-01 – Approve appointment of Ann Trask and Deborah Heinle to the Mayor's Committee on Disabilities.
29. Acknowledge the report regarding update on water solutions at the Rapid City Regional Airport.
30. No. LF041107-02 – Approve appointment of Tom Johnson, Lloyd LaCroix, Bob Hurlbut, Jim Preston, Marcia Elkins and Mayor Jim Shaw to Review the City Fee Structure.
31. No. LF041107-03 – Approve appointment of Norman Nelson, Adrienne Kerst, and Kenneth Loeschke to the Rapid City Historic Preservation Commission.
32. No. LF041107-04 – Approve appointment of Roger Gallimore and Jim Bell to the City Consultant Selection Oversight Committee.
33. Request the City Attorney's Office to look into changing the two hour parking on 4th Street between St. Joseph Street and Kansas City Street back to unlimited parking; and bring a recommendation back to the Legal & Finance Committee.
34. Acknowledge the report regarding bid law application.
35. No. LF041107-06 – Authorize the Mayor and Finance Officer to sign a Joint Powers Agreement with New World Systems Aegis Justice Link (AJL) Regional Data Sharing.
36. No. LF041107-24 - Approve Travel Request for David Stucke to attend a conference on Forensic Video Analysis at the University of Indianapolis, May 7-11, 2007, in an approximate amount of \$1,808.
37. No. LF041107-07 – Approve Travel Request for Mike Bartling and Nick Carlson to attend Tactical EMS Training in Beloit , WI , May 13-16, 2007 , in an approximate amount of \$2,015.
38. No. LF041107-08 – Approve Travel Request for Brian Maliske and Larry Dale to attend IAAM & NAC Conference and Trade Show in Salt Lake City , UT , July 20-24, 2007 , in an approximate amount of \$3,177.
39. No. LF041107-09 – Approve Travel Request for Mason Short, Ken Simmons, Jerry Mitchell, and Jennifer Landguth to attend AAAE 79th Annual Conference & Exposition in Washington , DC , June 9-14, 2007 , in an approximate amount of \$10,094.

40. No. LF041107-10 – Approve Travel Request for Mason Short to attend Jumpstart – Marketing & Communications Conference Seminar in Tucson, AZ, June 16-21, 2007, in an approximate amount of \$2,525.
41. No. LF041107-11 – Approve request for four limited term staff positions and supplemental funding to the FY 2007 Development Services Budget #204.

RESOLUTION TO ESTABLISH ADDITIONAL STAFFING
IN THE GROWTH MANAGEMENT DEPARTMENT
TO PROVIDE INSPECTION AND PROJECT ENGINEERING SERVICES
AS NEEDED DUE TO THE NEW BUSINESSES BEING LOCATED
WITHIN THE CITY OF RAPID CITY

WHEREAS, the Growth Management Director has indicated that additional staffing will be necessary to provide the required and appropriate building and engineer project inspection as a result of the projected growth of new businesses which are expected to be opening in 2009.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City Council to authorize an increased staffing of four full-time equivalents (FTE) for the remainder of the 2007 fiscal year and until such projects are completed.

Dated this 16th day of April, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

42. No.07TP004 and 07TP005 – Approve Amendment to the **2007 Unified Planning Work Program** and Amendment to the **2007 Unified Planning Work Program Agreement Number 310995**.
43. No. 07TI003 – Approve a request by Kevin Buntrock for The Estates and Golf Club at Red Rock to consider an application for a **Revised Project Plan for Tax Increment District No. 32 for Red Rock Estates** on Lots 1 thru 11 of Block 1, Lots 1 thru 19 of Block 2, Lots 1 thru 3 of Block 3, Lot 1 of Block 4, Lot 1 of Block 5, Outlot 1, and dedicated streets, all in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1, 2, 3A, 3B, 4A, and 4B of Block 6 of Red Rock Estates Phase 1A, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 4 thru 16 of Block 3, Lot 2 and Lot 3 of Block 4, Lots 1 thru 6 of Block 7, Lots 1 thru 3 of Block 8, all in Red Rock Estates Phase 2, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Outlot A of Tract A, Countryside Sub, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Well Lot, and Balance of Picardi Ranch Road, and Balance of Tract 1 (Less Red Rock Estates and Less ROW), all in Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted E1/2 NW1/4 NE1/4 less Red Ridge Ranch and ROW, SW1/4 NE1/4 less Red

Ridge Ranch, less Red Rock Estates, less Red Rock Estate Phase 1A, and Less Row, E1/2 NW1/4 less Red Rock Estates and Less ROW, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted N1/2 NW1/4 SW1/4 less Red Rock Estates and less Countryside Sub; N1/2 NE1/4 SW1/4 less Red Rock Estates & Less Countryside Sub; E1/2 NE1/4, and W1/2 NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Sheridan Lake Road and Muirfield Drive.

RESOLUTION APPROVING THE SECOND REVISED PROJECT PLAN FOR TAX INCREMENT DISTRICT NUMBER THIRTY-TWO AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS, the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and

WHEREAS, the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and

WHEREAS, there has been established Tax Increment District Number Thirty-two; and

WHEREAS this Second Revised Project Plan will replace the Revised Project Plan previously approved by the City Council on August 7, 2006; and

WHEREAS, the Council deems it desirable to create jobs by promoting economic development in the corporate limits of the City; and

WHEREAS, the Second Revised Project Plan helps make this development feasible by assisting with the costs of additional necessary drainage improvements by reducing Necessary and Convenient costs; and

WHEREAS, the use of Tax Increment Funding to promote this development is in keeping within the statutes adopted by the South Dakota State Legislature; and

WHEREAS, there has been developed a Second Revised Project Plan for this Tax Increment District which proposes these improvements; and

WHEREAS, the Council has considered the Second Revised Project Plan submitted by the Planning Commission and has determined that the Second Revised Project Plan for Tax Increment District Thirty-two is economically feasible; and

WHEREAS, the Council has further determined that this Second Revised Project Plan is in conformity with the adopted Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Second Revised Project Plan for Tax Increment District Number Thirty-two be, and hereby is, approved as submitted by the Rapid City Planning Commission.

Dated this 16th day of April, 2007.

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

ATTEST:
s/ James F. Preston
Finance Officer

(SEAL)

44. No. 07TI004 – Approve a request by Kevin Buntrock for The Estates and Golf Club at Red Rock to consider an application for a **Revised Project Plan for Tax Increment District No. 46 for Red Rock Meadows Revised** on N1/2 NW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, S1/2 NW1/4 NW1/4 and SW1/4 NW1/4, all located in Section 28, T1N, R7E, BHM, Rapid City Pennington County, South Dakota; and, Block 16, Lots 1-4 (Golf Course); Block 17, Lots 1-10; Block 15, Lots 1-8 (Golf Course); Block 18, Lots 1-17; Block 10, Lots 1-6 and Outlot G-1; Block 11, Lots 1-37; Block 7, Lots 7-9; Block 12, Lots 1-13; Block 9, Lots 1-6 (Golf Course); Block 8, Lots 4, 5A and 6; Block 2, Lots 1-21; Block 13, Lots 1A, 1B, 2-5; Block 14, Lots 1A, 1B, 2A, 2B, 3-6; Block 1, Lots 1-11; Block 4, Lot 1, 4 & 5; Block 3, Lots 1-3; Block 5, Lot 1; Outlot G less Lots 20 & 21 of Block 2 & less Lots 4 & 5 of Block 4; Outlot 1; Lot P (Utility Lot); All located in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Block 6, Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8, 9A, 9B, 10A, 10B, 11A, 11B, 12 of Red Rock Estates Phase 1A, Section 29, T1N, R7E, Rapid City, Pennington County, South Dakota; and, Block 3, Lots 4-16; Block 8, Lot 1-3; Block 7, Lots 1-6; Block 4, Lots 2-3; All located in Red Rock Estates Phase II, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Well Lot; Balance of Tract 1 less Red Rock Estates & less ROW; Balance of Picardi Ranch Road; All located in Red Ridge Ranch Subdivision, Section 29, T1N, R7E, Rapid City, Pennington County, South Dakota; and, Outlot A of Tract A, Countryside Subdivision; Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, E1/2NW1/4NE1/4 less Red Ridge Ranch & less ROW; SW1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates less Red Rock Estates Phase 1A & less ROW; E1/2 NW1/4 less Red Rock Estates & less ROW; W1/2 W1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates & less ROW; E1/2 NE1/4; All rights-of-way located within Red Rock Estates, Red Rock Estates Phase 1A, Red Rock Estates Phase II, and Red Ridge Ranch Subdivision; All located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Sheridan Lake Road and Muirfield Drive.

RESOLUTION APPROVING THE REVISED PROJECT PLAN FOR TAX INCREMENT DISTRICT #46 – RED ROCK MEADOWS AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and,

WHEREAS the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and,

WHEREAS there has been established Tax Increment District #46 – Red Rock Meadows; and,

WHEREAS the Council deems desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and,

WHEREAS the Revised Project Plan submitted helps make this development feasible by assisting with the development of a lift station, a park and the purchase and expansion of a water well; and,

WHEREAS the Revised Project Plan submitted will assist with additional Professional Service Costs by reducing the Necessary and Convenient Costs; and

WHEREAS the use of Tax Increment Funding to promote this development is in keeping within the statutes adopted by the South Dakota State Legislature; and,

WHEREAS there has been developed a Revised Project Plan for this Tax Increment District which proposes this improvement; and,

WHEREAS the Council has considered the Revised Project Plan submitted by the Planning Commission and determined that the Revised Project Plan for Tax Increment District #46 – Red Rock Meadows is economically feasible; and,

WHEREAS the Council has further determined that this Revised Project Plan is in conformity with the adopted Comprehensive Plan,

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Revised Project Plan for Tax Increment District #46 – Red Rock Meadows be, and is hereby, approved as submitted by the Rapid City Planning Commission.

Dated this 16th day of April, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 45. No. LF041107-12 – Approve Resolution Declaring Property Surplus for Finance Office.

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:

FINANCE:

Monitor, Gateway, EV 700

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

Dated this 16th day of April, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 46. No. LF041107-13 – Approve Travel Request for Marcia Elkins and Mason Short to attend the Rapid City Chamber Retreat, April 19-21, 2007 in Boise , Idaho in the amount of \$2,145. (Karen Gundersen-Olson is also attending this retreat and was previously approved by the Council in the amount of \$600).
- 47. Acknowledge the following volunteer for workmen compensation purposes: Devon Sorestad.
- 48. No. LF041107-14 – Approve Resolution to Amend the Non-Union Compensation Plan and Establish the Position of Deputy Airport Director.

RESOLUTION TO AMEND THE NON-UNION COMPENSATION PLAN
AND TO REMOVE THE NON-UNION POSITION OF
AIRPORT DIRECTOR OF CERTIFICATION AND MAINTENANCE AND
ESTABLISH THE NON-UNION POSITION OF DEPUTY AIRPORT DIRECTOR

WHEREAS, the position of Airport Director of Certification and Maintenance is currently vacant and a review of the position and organizational structure of the Airport warrant eliminating the position of Airport Director of Certification and Maintenance and establishing the position of Deputy Airport Director; and

WHEREAS, a job evaluation of the position of Deputy Airport Director was conducted utilizing the Factor Evaluation System methodology to establish the position within the City's Non-Union Pay Plan; and,

WHEREAS, the evaluation established the duties and responsibilities of the position of Deputy Airport Director justify placing the classification within Grade 23 of the Non-Union Pay Plan;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to amend the Non-Union Pay Plan by deleting the position classification description of Airport Director of Certification and Maintenance;

BE IT FURTHER RESOLVED by the City Council of the City of Rapid City to amend the Non-Union Pay Plan by adding the below position classification description at the grade recommended in the job evaluation.

Job Title	Grade	Salary
Deputy Airport Director	23	\$56,992 to \$86,715/yr.

Dated this 16th day of April, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 49. No. LF041107-15 – Approve Resolution to Amend the Non-Union Compensation Plan and Establish the Position of Rapid Transit Operations Coordinator.

AND TO ESTABLISH THE NON-UNION POSITION OF
RAPID TRANSIT OPERATIONS COORDINATOR

WHEREAS, a job evaluation of Rapid Transit Operations Coordinator was conducted utilizing the Factor Evaluation System methodology to establish the position within the City’s Non-Union Pay Plan; and,

WHEREAS, the evaluation established the duties and responsibilities of the Rapid Transit Operations Coordinator justify placing the classification within Grade 13 of the Non-Union Pay Plan;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to amend the Non-Union Pay Plan by adding the below position classification description at the grade recommended in the job evaluation.

Job Title	Grade	Salary
Rapid Transit Operations Coordinator	13	\$31,512 to \$47,944/yr.

Dated this 16th day of April, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 50. No. LF041107-27 - Approve Resolution Establishing Change Fund at the RCPD in the amount of \$100.

RESOLUTION ESTABLISHING CHANGE FUND

WHEREAS it has been determined that the Rapid City Police Department requires a Change Fund to operate the facility efficiently;

NOW, THEREFORE, BE IT RESOLVED that a Change Fund be established for the Rapid City Police Department in the amount of One Hundred Dollars (\$100) to be used as follows:

Change Fund for Petty Cash	<u>\$100.00</u>
Total	<u>\$100.00</u>

BE IT FURTHER RESOLVED THAT the City Finance Officer is authorized to issue a treasurers check to establish the fund:

Dated this 16th day of April, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 51. Authorize staff to apply for a Mosquito Control Grant from the South Dakota Department of Health.
- 52. No. LF041107-16 – Approve Naming/Renaming Parks and/or Recreational Facilities Policy.
- 53. No. LF041107-17 – Authorize the Rapid City Department of Parks and Recreation to Partner on a Recreational Trails Program Grant with the Hanson Larson Memorial Park Foundation and the Black Hills Mountain Biking Association to develop a Master Plan and Construct a Trail System for the M Hill Area to include the Chuck Lien Family Park.
- 54. No. LF041107-18 – Acknowledge Raffle Request from Easter Seals South Dakota.
- 55. No. LF041107-19 – Acknowledge Raffle Request from Borgund Lodge 1-532.
- 56. No. LF041107-20 – Acknowledge Raffle Request from Christina’s Smile.
- 57. No. LF041107-21 – Acknowledge Bingo Request from Western Dakota Tech.
- 58. No. LF041107-22 – Acknowledge Raffle Request from The Rapid City-Imaichi Sister City Association, Inc.
- 59. No. LF041107-26 - Acknowledge Raffle Request from Black Hills Symphony Orchestra.
- 60. No. LF041107-23 – Authorize Mayor and Finance Officer to sign Release of Covenant Agreement with By Pass Development, LLC.
- 61. Approve resolution amending award of bid from Eddie’s Truck Sales for a single axle dump truck for the Street Division in the sum of \$80,451 to Northern Truck Company in the amount of \$79,929.

- 62. Approve the following licenses: Trenching Contractor: James Letner, Letner Construction; Sewer and Water Journeyman: Wayne Hellman; Sewer and Water Contractor: Kenneth Prince, Shamrock Enterprises.

Growth Management Department Consent Items

- 63. No. 07AN002 - A request by CETEC Engineering Services, Inc. for OS Development, Inc. for a **Petition for Annexation** on the S1/2 NE1/4, SE1/4 less Tract 1 of Bradeen Subdivision, S1/2 NW1/4, Section 22, and NE1/4 NE1/4, W1/2 NE1/4, SE1/4 NE1/4, Section 27, T1N, R8E, BHM, Pennington County, South Dakota, located west of Reservoir Road approximately one mile south of the intersection of SD Hwy 44 and Reservoir Road. (PETITION FOR ANNEXATION IS APPROVED CONTINGENT ON ANY PAYMENT DUE TO THE RAPID VALLEY 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 468, more or less, is hereby included within the corporate limits of the City and annexed thereto:

S1/2 NE1/4, SE1/4 less Tract 1 of Bradeen Subdivision, S1/2 NW1/4, Section 22, and NE1/4 NE1/4, W1/2 NE1/4, SE1/4 NE1/4, Section 27, T1N, R8E, BHM, Pennington County, South Dakota.

Dated this 16th day of April, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 64. No. 07PL042 - A request by Tyz Thurston for a **Layout Plat** on Lots 13A and 13B of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 13 of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3825 Corral Drive. (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 City of Rapid City 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 must be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed; 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. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed 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 that portion of Ireland Place along the west side of the subject property shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 45 foot right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 6. Upon submittal of a Preliminary Plat application, a Wildland Fire Mitigation plan be submitted for review and approval; 7. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; and, 8. 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.)

65. No. 07PL043 - A request by David Kallemeyn for Irvin W. and Illa M. Cannon for a **Layout Plat** on Lots 24A and 24B of the NE1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 24 of the NE1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3375 Corral Drive. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains along Easy Street shall be submitted for review and approval; 2. Upon submittal of Preliminary Plat application, construction plans for curb, gutter, street light conduit, and pavement shall be submitted for review and approval; 3. Upon submittal of a Preliminary Plat application, water system plans prepared by a Professional Engineer that demonstrate adequate fire and domestic flows shall be submitted for review and approval; 4. Upon submittal of a Preliminary Plat application, the applicant shall submit plans prepared by a Registered Professional Engineer showing the extension of sewer along Easy Street; 5. Upon submittal of a Preliminary Plat application, documentation shall be provided verifying the dedication of a small, irregular lot that is shown on the applicant's site plan. Additional dedication of right-of-way is required if dedication has not already taken place. Easements for water and sewer service lines that traverse through the small, irregular lot shall be obtained and identified on the Plat document if dedication

of this right-of-way has not taken place; 6. Upon submittal of Preliminary Plat application, the plat document shall be revised showing a non access easement along Corral Drive as it abuts Lot 24B, and fifty feet of non access easement measured from the curb radius along Easy Street as it abuts Lot 24B; 7. Prior to submittal of Preliminary Plat application, the applicant shall obtain a variance for the front yard setback of the structure on Lot 24A; 8. Upon submittal of a Preliminary Plat application, a grading, drainage, drainage calculations and erosion control plan prepared by a Registered Professional Engineer shall be submitted for review and approval; 9. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 10. Upon submittal of a Preliminary 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, 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

66. No. 07PL046 - A request by Mario Rangel for Angel Munoz for a **Layout Plat** on Lots 1, 2 and 3 of Munoz Subdivision at N1/2 of NW1/4 of SW1/4 of SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the N1/2 of NW1/4 of SW1/4 of SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1540 Rand Road. (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 Deadwood Avenue 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 particular, the sewer plans shall show the abandonment of the existing on-site wastewater system and the connection to the City sewer main as per Chapter 13.09.660 and Chapter 16.16.050 of the Rapid City Municipal Code. In addition, the plat document shall also be revised to provide utility easements as needed. In particular, the plat document shall identify a utility easement for the existing sewer main extending through the center of the property and access for maintenance to the sewer main; 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 application, road construction plans for Rand Road shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 8. Upon submittal of a Preliminary Plat application, road construction plans for Fountain Plaza Drive shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 59 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 9. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 10. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show non-access easements as per the Street Design Criteria Manual; 11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

67. No. 07PL047 - A request by CETEC Engineering Services, Inc. for OS Development, Inc. for a **Layout Plat** on Lots A thru E, Lots 1 thru 729, Morningstar Subdivision, S1/2 NE1/4, SE1/4 less Tract 1 of the Bradeen Subdivision, less Right-of-Way, Section 22; W1/2 NE1/4, SE1/4 NE1/4, NE1/4 NE1/4, Section 27, T1N, R8E, BHM, Pennington County, legally described as the S1/2 NE1/4, SE1/4 less Tract 1 of Bradeen Subdivision, Section 22, and NE1/4 NE1/4, W1/2 NE1/4, SE1/4 NE1/4, Section 27, T1N, R8E, BHM, Pennington County, South Dakota, located west of Reservoir Road approximately one mile south of the intersection of SD Hwy 44 and Reservoir Road. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to submittal of a Preliminary Plat application, a Comprehensive Plan Amendment to the Major Street Plan relocating the collector street as proposed shall be approved or the plat document shall be revised accordingly; 2. Prior to submittal of a Preliminary Plat application, the applicant shall coordinate with the City the design and construction of trunk sewers in excess of 15 inches, water transmission mains in excess of 12 inches and the water reservoir; 3. Prior to submittal of a Preliminary Plat application, the construction plans shall be revised to show property line sidewalks along all streets in lieu of curb side sidewalks with standard curb and gutter, with the exception of lane place streets, or an Exception to the Street Design Criteria Manual shall be obtained; 4. Prior to submittal of a Preliminary Plat application, the applicant shall demonstrate that Street N aligns with Sparrow Hawk Trail located on the east side of Reservoir Road or that adequate separation exists between the two intersections or the plat document shall be revised accordingly. The applicant also has the option of obtaining an Exception to reduce the separation between approaches as per the Street Design Criteria Manual; 5. Prior to submittal of a Preliminary Plat application, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement; 6. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow 24 lots in lieu of 20 lots along a cul-de-sac street or the plat document shall be revised accordingly; 7. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show access to Lots 24 and 25 located in the Phase 6 thru 10 area of the development; 8. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to provide non-access easements in

compliance with the Street Design Criteria Manual. In particular, the plat document shall be revised to show a non-access easement along Reservoir Road or an Exception shall be obtained to allow access from a higher order street; 9. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show all lots abutting a street a minimum frontage of 25 feet or a Variance to the Zoning Ordinance shall be obtained or an Initial and Final Planned Residential Development shall be reviewed and approved addressing the requirement; 10. Upon submittal of a Preliminary Plat application, a traffic analysis shall be submitted for review and approval. In addition, the construction plans shall be revised to show street improvements along Reservoir Road and at the intersection of Reservoir Road and S.D. Highway 44 as needed; 11. 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; 12. 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; 13. 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 plat document shall be revised to provide drainage easements as necessary; 14. Upon submittal of a Preliminary Plat application, the applicant shall submit a copy of the Letter of Map Revision approved by the Federal Emergency Management Agency. In addition, a Floodplain Development Permit shall be obtained as needed prior to the start of any construction within the federally designated 100 year floodplain area; 15. Upon submittal of a Preliminary Plat application, the applicant shall demonstrate that the proposed 30 inch pipe will convey the Cyclone Ditch flows or the size of the pipe shall be revised accordingly; 16. Upon submittal of a Preliminary Plat application, the applicant shall submit written documentation from the Cyclone Irrigation Ditch Association and the South Side Irrigation Ditch Association indicating concurrence with the improvements to the respective ditches; 17. 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; 18. Upon submittal of a Preliminary Plat application, the grade Street "DD" shall be adjusted to allow the sewer to gravity flow or construction plans for a lift station to serve this area of the subject property shall be submitted for review and approval. The plat document shall also be revised to show the lift station within a utility easement or on a separate lot. In addition, prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the lift station for review and approval; 19. 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 and that no negative effect on the airport area is being created by the development. In particular, the water plans shall demonstrate that the low-low level water system extends to the north and west property lines as per the Green Valley Water System Analysis by Alliance of Engineers and Architects. In addition, the low-low level water system shall be

revised to provide looping to the proposed reservoir or justification shall be submitted for review and approval for not looping the system. The water plans shall also show a low level water main and a low-low level water main along Reservoir Road. In addition, the plat document shall also be revised to provide utility easements as needed; 20. Upon submittal of a Preliminary Plat application, a water modeling plan shall be submitted as a part of Phase One of the development to determine the trigger to provide the reservoir improvement. In addition, the plat document for Phase One shall be revised to include the reservoir lot or a utility easement shall be recorded for the reservoir if needed. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the reservoir for review and approval; 21. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located through the subject property shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated; 22. Upon submittal of a Preliminary Plat application, road construction plans for Reservoir Road shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the entire section line highway shall be dedicated as right-of-way or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way; 23. Upon submittal of a Preliminary Plat, road construction plans for the collector street 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 with on-street parking or the street shall be located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer with no on-street parking or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be posted with no parking signs or an Exception to the Street Design Criteria Manual shall be obtained; 24. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets shall be submitted for review and approval. In particular, the cul-de-sac streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs 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; 25. Upon submittal of a Preliminary Plat application, road construction plans for the sub-collector streets, or those streets serving more than twenty lots, shall be submitted for review and approval. In particular, the streets shall be located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 26. Upon submittal of a Preliminary Plat, road construction plans for the lane place streets, or those street serving not more than twenty lots, shall be submitted for review and

approval. In particular, the road construction plans shall show the streets 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; 27. Upon submittal of a Preliminary Plat, a revised utility master plan showing public and private utilities shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the subject property as well as to adjacent properties; 28. 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; 29. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 30. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits of Rapid City; 31. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Reservoir Road or a Variance to the Subdivision Regulations shall be obtained; 32. Prior to submittal of a Final Plat application, the applicant shall submit street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; 33. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the Open Space Area for review and approval; 34. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the lots identified as "Irrigation Drainage" for review and approval; 35. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the lots identified as "Drainage" for review and approval; 36. 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, 37. 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

At 7:24 P.M. Alderman Kooiker entered the meeting.

The next agenda item for discussion is (No. PW041007-05) to acknowledge the report on the installation of a traffic signal at the intersection of North LaCrosse Street and East Monroe Street; and a request to staff to place this intersection on the list of proposed signalized intersections. Alderman LaCroix indicated that the City/County Alcohol and Drug Program Facility and Public Health Facility have requested a traffic study for the area. LaCroix explained that the suggested list of signalized intersection is not a prioritized list. He asked staff to develop a priority list using criteria that can be shared with the City Council. LaCroix moved, second by Okrepkie to acknowledge the report on the installation of a traffic signal at the intersection of North LaCrosse Street and East Monroe Street; request staff to place this intersection on the list of proposed signalized intersections; and request staff to develop a priority list using criteria that can be shared with the City Council by August 1, 2007. Motion carried.

The Mayor presented No. LF041107-28, to request that the contract with the National Trust for Historic Preservation in the United States be terminated voluntarily; and if agreed, by the National Trust, those funds be reallocated to fund the Roger Brooks Branding, Development and Marketing Action Plan with the provision that the final adoption of the Branding, Development and Marketing Action Plan be approved by the City Council. Growth Management Director Elkins indicated that the Convention and Visitors' Bureau has agreed to address this contract and manage the contract for the City with Roger Brooks. Okrepkie moved, second by Olson and carried to approve.

LaCroix moved, second by Olson and carried to open public comment on Items 68 - 79. Susan Ricci, Director of the Black Hills Heritage Festival addressed item #72 (No. LF041107-25) commenting that the Heritage Festival is funded by private donations, sponsorships, beverage sales and help from countless numbers of volunteers. Ricci acknowledged the in-kind contributions from the City of Rapid City through its personnel of the Police, Fire and Parks Departments; and the annual fireworks display, which is the main event of the 4th of July holiday. She pointed out to the City Council members that they followed the proper procedure in requesting festival funding; and noted they had applied to the Allied Arts for a subsidy in the amount of a \$2,500 grant. Ricci pointed out that the Festival of Presidents did not follow the procedures and received an amount four times greater than their subsidy request. Ricci asked for the same consideration given to the Festival of Presidents. Tom Marsden, Rapid City addressed item #75 (No. PW041007-02) suggesting the City made a mistake in restricting left turn movements off St. Charles Street on to East St. Joe Street. He noted that there are a limited number of access routes in their neighborhood. He suggested that speed is a contributing factor to any accident at this location, and asked that the speed be controlled on St. Joe Street rather than the left turn movements. Steven Brenden, Rapid City address item #75 indicating that the restriction of left turn movements has decreased the traffic volume in this neighborhood. Chapman moved, second by Johnson and carried to close public comment on Items 68 - 79.

NON-CONSENT ITEMS – Items 68 - 79

ORDINANCES

Ordinance No. 5280 (No. 07RZ028), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by enVision Design, Inc. for Plum Creek Development LLC for a **Rezoning from Low Density Residential II District to General Commercial District** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. More particularly described as follows: Commencing at the southwest corner of said SW1/4 of Section 16, monumented with a "brass cap": Thence N00°02'47"W along the west line of said SW1/4 of Section 16 a distance of 1320.78 feet to the south line of the N1/2 of said SW1/4; Thence N89°56'28"E along said south line a distance of 622.29 feet to the true point of beginning; Thence N43°11'32"E a distance of 341.06 feet; Thence S52°58'51"E a distance of 45.24 feet; Thence S73°29'03"E a distance of 86.87 feet; Thence N65°38'53"E a distance of 86.30 feet; Thence N45°00'00"E a distance of 240.00 feet; Thence S45°00'00"E a distance of 127.13 feet to a point on a curve from which the radius of said curve bears S38°06'51"E a distance of 296.00 feet; Thence north easterly along the arc of a curve to the right having a radius of 296.00 feet, a central angle of 18°38'05" for a distance of 96.27 feet; Thence departing said curve S00°06'26"E a distance of 301.76 feet; Thence S11°27'13"W a distance of 233.77 feet; Thence S00°00'00"E

a distance of 425.77 feet; Thence N90°00'00"E a distance of 82.76 feet; Thence S47°24'00"E a distance of 55.30 feet; Thence S42°36'00"W a distance of 223.52 feet to the east line of the SW1/4 of the SW1/4 of said Section 16; Thence N00°01'14"W along said east line a distance of 801.05 feet to said south line of the N1/2 of the SW1/4; Thence S89°56'28"W along said south line a distance of 701.09 feet to the true point of beginning, containing an area of 5 acres more or less, located southeast of the intersection of Elk Vale Road and Willowbend Road was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5280 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, May 7, 2007.

Ordinance No. 5279 (No. 07OA004), An Ordinance to Correct the Numbering of Certain Subsections of Section 17.22.030 of The Rapid City Municipal Code was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5279 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, May 7, 2007.

Ordinance No. 5269 (No. LF032807-06), for Supplemental Appropriation No. 2 for 2007 having passed first reading on April 2, 2007; Okrepkie moved, second by LaCroix 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. 5269 was declared duly passed upon its second reading.

LEGAL & FINANCE COMMITTEE ITEMS

Okrepkie moved, second by Johnson for discussion, to approve a request to waive late fees on the notice of special assessment for 1117 Holcomb, David Goodwin. Substitute motion was made by LaCroix, second by Schumacher to table. Upon a roll call vote, the following voted AYE: Schumacher, Olson, Kroeger, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: Kooiker; whereupon substitute motion carried.

Okrepkie moved, second by LaCroix for discussion, to approve No. LF041107-25, Heritage Festival request for funding in the amount of \$7,500. Alderman Olson pointed out that the Allied Arts receives a subsidy from the City's budget and distributes that funding as they find appropriate. Preston asked the Council to weigh the request against the unfunded needs of the City. Alderman LaCroix acknowledged the work and efforts of those individuals who organize the Heritage Festival. He indicated that he would scrutinize future requests for funding from any organization making a plea for funding.

Substitute motion was made by LaCroix, second by Johnson to deny the Heritage Festival request for funding in the amount of \$7,500. Upon a roll call vote, the substitute motion carried with the following voting AYE: Olson, Kroeger, Chapman, Johnson, LaCroix, Okrepkie, and Hurlbut; NO: Kooiker, Hadcock, and Schumacher.

Okrepkie moved, second by LaCroix to (No. 07TP002), approve the Citizens' Advisory Committee, the Technical Coordinating Committee and the Executive Policy Committee Bylaws. Motion carried with Johnson voting NO.

Okrepkie moved, second by LaCroix and carried to (No. 07TP003), approve the Metropolitan Planning Organization Operations Plan.

PUBLIC WORKS COMMITTEE ITEMS

Olson moved, second by LaCroix to affirm (No. PW041007-02) the decisions of the Police Department and the Traffic Engineer to prohibit left turn traffic movement off East Saint Charles Street at East Saint Joseph Street. Alderman Johnson reported receiving telephone calls from those living in this neighborhood. He indicated that while staff believe this is a safety issue, he believed this is an issue of personal responsibility. He suggested that speed on East St. Joe Street may be an issue. He pointed out the switching station for the train is an issue, because it can delay traffic movement up to thirty minutes and cause traffic to back up for blocks.

Substitute motion was made by Johnson, second by Schumacher to direct staff to remove the "No Left Turn" at the intersection of East Saint Charles Street at East Saint Joseph Street. Alderman LaCroix offered support of prohibiting left turn movements at this intersection because he witness an accident at this location. He also indicated that a traffic study was done at this intersection. Because the City has identified a problem at this intersection, LaCroix indicated concern over a potential law suit if left turn movements are allowed. Alderman Olson pointed out the number of accidents that have occurred at this intersection between 2001 and 2006; and indicated that the majority of the accidents involved left turning vehicles. Alderman Hadcock indicated that those vehicles executing a left turning movement have their vision obstructed by a vehicle that is making a right turning movement off St. Joe Street. She noted that there is a serious site issue and a road alignment issue at this intersection. Jablonski stated that the Public Works Department position is that some traffic control is needed at this intersection to improve left-hand or prohibit left-hand turn movements. City Attorney Green advised the Council to follow the recommendation of the Traffic Engineer and not change the situation at this point. Police Chief Tieszen explained that Traffic Investigations was on-site at this intersection investigating a serious accident when the comment was made that this intersection has been the scene of too many accidents. He indicated that the Traffic Engineer was contacted and asked to do a traffic study. He indicated that the outcome of the study concluded that there were too many accidents at this location and there was a prime reason why the accidents occurred. Tieszen pointed out that St. Joe Street is a heavily traveled street and vehicles attempting a right turn off St. Joe on to St. Charles create an obstruction for those turning left off St. Charles on to St. Joe and are hit by an on-coming vehicle in the in-side lane on St. Joe Street. Of the accidents that have occurred at this intersection, Tieszen indicated that a high proportion have been injury accidents. Upon completion of the traffic study, he explained the no left turn was installed and the Police Department began a lengthy period of warning enforcement – verbal and written. Because the practice of left-turns continued, additional signs were installed and the warnings continued until citations were issued. Because there was still some difficulty with compliance, cones were put in the roadway. Tieszen encouraged the City Council to uphold the decision of staff to prohibit left-turn movements. Responding to a question from Alderman Hurlbut, Traffic Engineer Less indicated there is no available data on the presence of a train at the time of any accident. Responding to questions from Alderman Kooiker, Less indicated that speed is not a factor; and the addition of a right-turn lane on St. Joe could potentially mitigate the problem as could the realignment of St. Charles Street. Less suggested there may not be the road right-of-way to construct an auxiliary right-turn lane on St. Joe Street. Alderman Johnson believed that the railroad would be cooperative should a decision be made to construct an auxiliary lane and/or realigned the street. Upon a roll call vote on the substitute motion, the following voted AYE: Kooiker, Johnson, Okrepkie, Hurlbut, and Schumacher; NO: Kroeger, Chapman, LaCroix, Hadcock, and Olson. The Chair voted NO, and the substitute motion failed.

Jablonski pointed out the discussion on possible remedies to allow left-turn movements off St. Charles St.; and indicated that if so directed, staff's workload would be evaluated to determine when possible alternatives could be prepared for Council consideration.

Substitute motion was made by Hadcock, second by Hurlbut to direct staff to look at the option of a right-turn lane on E. St. Joe St. or any other options that would make it feasible for left-turn movements off St. Charles St. Motion carried.

Public Works Director Jablonski addressed the traffic control sign installation at Saint Patrick Street and Mount Rushmore Road, explaining that staff is recommending that right-turn movements on a red light be prohibited. He pointed out that because of the construction occurring at this intersection there is a sight problem for those motorists turning right. Responding to a question from Alderman Hurlbut, Elkins indicated that it is staff's intent to remove the signage once the construction is completed at this intersection. Responding to a question from Alderman Olson, Jablonski indicated that the right-turn movements would be prohibited for the motorist traveling west on St. Pat Street and turning right on Mt. Rushmore Road, going north. Traffic Engineer Less indicated that prohibiting right-turn on red is a positive pedestrian factor. Alderman Johnson indicated that he needed an opportunity to review the intersection, and also indicated his disappointment at not having had more notice from staff to allow more discussion from the Council.

Olson moved, second by LaCroix to approve the traffic control sign installation on Saint Patrick Street at Mount Rushmore Road, prohibiting right-turn movements on a red light. Alderman Okrepkie indicated his desire to enforce the "no right turn" on red only during certain hours of the day. City Attorney Green reminded the Council that they have, by ordinance, delegated the authority to regulate turning movements to the Traffic Engineer. Alderman Kooiker indicated his concern with prohibiting right turn movements off St. Pat Street because a motorist could cut through the parking lot of the business on the corner to avoid the red light.

Substitute motion was made by Kooiker, second by Hurlbut to refer the traffic control sign installation, prohibiting "no right turn" on red on Saint Patrick Street at Mount Rushmore Road to the May 1, 2007 Public Works Committee meeting. Alderman Chapman reminded the members of the ordinance delegating authority to the Traffic Engineer and suggested the Council may want to have discussion about the ordinance if the Council is not going to follow the ordinance. Upon a roll call vote on the substitute motion to continue, the following voted AYE: Kooiker, Johnson, Okrepkie, Hurlbut, Hadcock, and Schumacher; NO: Chapman, LaCroix, Olson, and Kroeger. Motion carried.

BIDS

The following companies submitted bids for No. CC041607-02, Raider Road Water Main Loop Project No. W07-1601 / CIP No. 50475 opened March 17, 2007: Site Work Specialists, Inc., Simon Contractors of SD, Inc., Mainline Contracting, Inc., R.C.S. Construction, Inc., Hills Materials Co., and Quinn Construction, Inc. Staff reviewed the bids and recommends the bid award to Hills Materials Company. Hadcock moved, second by Schumacher and carried to approve the bid award for Raider Road Water Main Loop Project No. W07-1601 to the lowest responsible bidder meeting specifications, Hills Materials Company for the low unit prices bid for a total contract amount of \$136,759.20.

The following companies submitted bids for No. CC041607-02, Wonderland Drive Street and Drainage Improvements Project No. ST07-1610 / CIP No. 50155 opened April 10, 2007: Site Work Specialists, Inc., Simon Contractors of SD, Inc., Mainline Contracting, Inc., R.C.S. Construction, Inc., and Hills Materials Co. Staff reviewed the bids and recommends the bid award to Simon Contractors of SD, Inc. Hadcock moved, second by Johnson and carried to approve the bid award for Wonderland Drive Street and Drainage Improvements Project No. ST07-1610 to the lowest responsible bidder meeting specifications, Simon Contractors of SD, Inc. for the low unit prices bid for a total contract amount of \$172,408.85.

The following companies submitted bids for No. CC041607-02, 2007 Street Painting Contract Project No. PM07-1615 / CIP No. 50594 opened March 27, 2007: Traffic Services Company, LLD and United Rentals Highway Technologies, Inc. Staff reviewed the bids and recommends the bid award to United Rentals Highway Technologies, Inc. LaCroix moved, second by Schumacher and carried to approve the bid award for 2007 Street Painting Contract Project No. PM07-1615 to the lowest responsible bidder meeting specifications, United Rentals Highway Technologies, Inc for the low unit prices bid for a total contract amount of \$90,812.05.

MAYOR'S ITEMS

At this time, Finance Office Preston administered the Loyalty Oath to Pauline Sumption, Assistant Finance Officer and presented Sumption with a Certificate of Appointment.

COUNCIL ITEMS & LIAISON REPORTS

Alderman Kroeger explained that the Rapid City Public Library participates in the Big Read program, which is sponsored by the National Endowment for the Arts. He indicated that the goal of the program is to bring people across the nation together by reading a classic book as a group. He reported that the book selected for this year is "My Antonia" by Willa Cather. Kroeger encourage the public to pick up the book at the Rapid City Public Library.

Alderman Hadcock reminded the members of the April 28, 2007 Rapid City Clean Up Day.

Alderman Johnson explained that there are five Aldermen, a number of private sector representatives, and City staff on the Council Development Committee. He indicated that George Dunham serves on the Technical Committee and has been instrumental in getting a lot issue moved forward; and asked for approval of the appointment of George Dunham to the Council Development Committee.

Johnson moved, second by Hurlbut to place George Dunham on the Council Development Committee. Motion carried.

STAFF ITEMS

Police Chief Tieszen reminded the members that the Rapid City Police Department is an accredited police department; and the only accredited police department or law enforcement agency in the State of South Dakota. He explained that every three years they are required to undergo a re-accreditation process. The first week of May there will be a team of law enforcement officers from around the country in Rapid City. He explained that a part of that

process is a public hearing and that public hearing will be held on May 7, 2007 at 6:00 P.M. in the City / School Administration Building, 3rd Floor Conference Room.

PUBLIC HEARING ITEMS – Items 80 - 140

LaCroix moved, second by Chapman and carried to open the public hearing on Items 80-140. Steven Brenden, Rapid City addressed item #132 (No. 06PD070) urged the Council to uphold the recommendation to deny. Dave Maxson, Rapid City addressed item #133 (No. 06PD097) offering support for the construction of the communication tower explaining that it is important for him to remain in contact with his children when they are in west Rapid City. He pointed out there areas throughout the City that do not have adequate coverage resulting in dropped cellular calls. He believed the design of the communication tower will not detract from the view of the area. John Skulborstad, Rapid City addressed item #133 offering support for the cell tower site. He reported that he is unable to get internet access and with the construction of the tower he will have access to the wireless technology. Skulborstad listed the number of area residents in the Chapel Valley area that do not have cellular access. He urged the Council to support the tower site. Scott Yeoman, Rapid City addressed item #133 speaking in opposition to the communication tower as it will be located on property adjoining his property. He explained that he was approached by Verizon with a request to place on the tower on his property, and he did not agree to have the tower constructed on his property. Lloyd Sohl, Rapid City addressed item #133 indicating that he recognizes the need for communication, but that this is not the location for a cell tower. He asked the Council to follow the original recommendation from the Planning Commission to deny. Applicant, Jake Soper, Verizon Wireless representative addressed item #133 asking for nine minutes, rather than the allotted three minutes, to speak to the issue. Alderman Johnson indicated that if additional time is allowed for one speaker, the same opportunity must be given to all others that have spoken on the issue. Alderman Chapman recommended the applicant be given three minutes only. Alderman Okrepkie was interested in giving the applicant the time to explain the issue.

Hurlbut moved, second by Okrepkie to suspend the time limit on item #133 (No. 06PD097), not to exceed ten minutes per person.

Substitute motion was made by Kroeger, second by Okrepkie to allow ten minutes for the proponents and ten minutes for opponents. Upon a roll call vote on the substitute motion, the following voted AYE: Johnson, LaCroix, Okrepkie, Hurlbut, Schumacher, and Kroeger; NO: Chapman, Hadcock, and Olson; ABSTAINING: Kooiker. Motion carried.

Applicant, Jake Soper, Verizon Wireless representative explained that the Planning Commission voted to deny their proposal for a wireless communication site at 4600 Jackson Blvd. He explained that this site will provide a necessary service to Chapel Valley and those that pass through the area. Because the number of people using wireless devices in the City is continuing to grow; capacity demands are increasing and some existing site are beyond their capacity capability and others will likely reach their capacity limit in 2007. He indicated that Verizon Wireless is in the process of addressing capacity, introduction of new technology, and quality in-building coverage. He noted that a reliable wireless service is a part of the City's infrastructure and pointed out that the topography of the City will be an issue. He explained that since January, 2006 Verizon has been researching potential sites, conducting studies, working with City staff, designing and re-designing to appease City staff and citizens, and creating a report to justify the proposed location. He explained that the tower will be functional and will blend into

the landscape. Soper indicated that their proposal meets all aspects of the City code and no variances are necessary to approve the request. Mike Derby, Canyon Lake Chophouse owner addressed item #133 offering support for the denial of the request. He indicated that it is important to protect the view shed and suggested alternate solutions should be considered. Steven Brenden, Rapid City addressed item #133 pointing out that people demand these services, but unwilling to pay the price that these services demand, such as the towers. He asked that the flagpole design not be allowed because it only allows one antenna.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 80 - 122

The following items were removed from the Continued Public Hearing Consent Items:

116. No. 07SV019 - A request by CETEC Engineering Services, Inc. for OS Development, Inc. for a Variance to the Subdivision Regulations

Hurlbut moved, second by Chapman and carried to approve the following items as they appear on the Continued Public Hearing Consent Items.

Continue the following items until May 7, 2007:

80. 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.
81. 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.
82. 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.
83. 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.

84. 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.
85. 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 the 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.
86. No. 06PL178 - A request by Boschee Engineering for OTS, Inc. for a **Preliminary Plat** on Lots 1 thru 8 of Block 1, lots 1 thru 8 of Block 2, Lots 1 thru 17 of Block 3, and lots 1 thru 9 of Block 4, located in the SW1/4 SW1/4, W1/2 SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SW1/4 SW1/4 W1/2 SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southern terminus of Bendt Drive.
87. No. 06PL189 - A request by Michael Hanson for John & Meredith Humke for a **Preliminary Plat** on Lots 24A and 24B of Block 3 of Stoney Creek Subdivision, formerly Lot 24 of Block 3 of Stoney Creek Subdivision, located in the NE1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 24 of Block 3 of Stoney Creek Subdivision, located in the NE1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Nugget Gulch Drive and Harvard Avenue.
88. 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.
89. 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 the 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.

90. No. 06SV069 - A request by Fisk Land Surveying for Judy Lien for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks, curb, gutter, street light conduit, sewer and water main along Mall Drive and N. Maple Avenue and to reduce the pavement width from 40 feet to 26 feet along Mall Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2, 3 and 4 of LJS Subdivision, formerly a portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Maple Avenue and Mall Drive.
91. 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.
92. No. 07CA008 - A request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial** on Lot 1 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Elk Vale Road and Creek Drive.
93. No. 07CA011 - A request by enVision Design, Inc. for Plum Creek Development LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Office Commercial with a Planned Commercial Development** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County South Dakota. more particularly described as follows: Commencing at the west one-quarter corner of said SW1/4 of Section 16; Thence S00°02'47"E a distance of 520.56 feet to the true point of beginning; Thence S64°12'46"E a distance of 216.53 feet; Thence S37°01'44"W a distance of 323.28 feet; Thence N00°02'47"W a distance of 352.28 feet to the true point of beginning containing an area of 1 acres more or less, located southeast of the intersection of Elk Vale Road and Willowbend Road.
94. No. 07CA012 - A request by enVision Design, Inc. for Plum Creek Development LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: beginning at the southwest corner of said SW1/4 of Section 16, monumented with a "Brass Cap"; Thence N00°02'47"W along the west line of said SW1/4 of Section 16 a distance of 659.14 feet; Thence N43°11'32"E a distance of 908.40 feet to the south line of the N1/2 of said SW1/4; Thence N89°56'28"E along said south line a distance of

764.34 feet; Thence S11°27'13"W a distance of 176.90 feet; Thence S00°00'00"E a distance of 425.77 feet; Thence N90°00'00"E a distance of 82.76 feet; Thence S47°24'00"E a distance of 55.30 feet; Thence S42°36'00"W a distance of 679.73 feet; Thence S36°48'24"E a distance of 230.78 feet to the south line of said SW1/4; Thence S89°58'32"W along said south line a distance of 1152.06 feet to the point of beginning, containing an area of 34 acres more or less, located southeast of the intersection of Elk Vale Road and Willowbend Road.

95. No. 07CA013 - A request by enVision Design, Inc. for Plum Creek Development LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development** on a Tract of land located in the SW1/4 of Section 16, T1N, R8E of the BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the west one-quarter corner of said SW1/4 of Section 16; Thence N89°53'45"E a distance of 963.59 feet; to the true point of beginning; Thence N89°53'45"E a distance of 440.90 feet; Thence S25°29'36"W a distance of 1072.85 feet to a point of curvature; Thence along the arc of a curve to the right having a radius of 204.00 feet, a central angle of 07°38'22" for a distance of 27.20 feet; Thence N60°47'57"W a distance of 304.64 feet; Thence N64°12'46"W a distance of 214.00 feet; Thence N37°01'44"E a distance of 266.29 feet to a point on a curve from which the radius point of said curve bears N52°56'54"W a distance of 3424.04 feet; Thence northeasterly along the arc of a curve to the left having a radius of 3424.04 feet, a central angle of 10°34'59" for a distance of 632.45 feet to the true point of beginning, containing an area of 10 acres more or less, located southeast of the intersection of Elk Vale Road and Willowbend Road.
96. No. 07PL006 - A request by Centerline, Inc. for Broadmoor Homeowners' Association for a **Preliminary Plat** on Lots 39 and 40 of Broadmoor Subdivision Phase 1, formerly a portion of Lot B of Broadmoor Subdivision Phase 1 located in Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot A less Lot H1 and Lot B less Lot 12 revised thru 14 revised and Lot C Revised and Lot D of Broadmoor Subdivision Phase 1, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Sheridan Lake Road and Sunset Vista Road.
97. No. 07PL015 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 21 of Block 1, Lots 1 thru 4 of Block 2, Lots 1 thru 5 of Block 3, Lots 1 thru 3 of Block 4, Lots 1 and 2 of Block 5, and Lots 1 thru 6 of Block 6 and Utility Lot 1 of Copperfield Vistas Subdivision, all located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot 28 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a rebar with survey cap "LS 6251"; thence, westerly along the north line of said Lot 28 in Block 1 of Copperfield Subdivision, S89°59'08"W, a distance of 109.97 feet, more or less, to the northwest corner of said Lot 28, said corner being marked by a 5/8 inch rebar; thence, southwesterly along the northerly edge of Copperfield Drive right-of-way, S71°30'56"W, a distance of 63.29 feet, more or less to the

northeast corner of Lot 1 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 83.02 feet, more or less; thence, continuing northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 15.67 feet, more or less, to the northwest corner of said Lot 1, said corner being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap; thence, northwesterly along the north line of said Lot 3 in Block 7 of Copperfield Subdivision, N88°42'16"W, a distance of 51.73 feet, more or less, to the northwest corner of said Lot 3, said point being coincident with the northeast corner of Lot 4 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap "LS 2652"; thence, northwesterly along the north line of said Lot 4 in Block 7 of Copperfield Subdivision, N88°18'11"W, a distance of 76.36 feet, more or less, to the northwest corner of said Lot 4, said point being coincident with the northeast corner of Lot 5 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 68.75 feet, more or less; thence, N15°55'14"E, a distance of 104.91 feet, more or less; thence, N74°04'46"W, a distance of 45.00 feet, more or less; thence, N15°55'14"E, a distance of 160.58 feet, more or less; thence, S76°13'24"E, a distance of 120.24 feet, more or less; thence, S78°04'22"E, a distance of 59.02 feet, more or less; thence, N13°46'36"E, a distance of 98.10 feet, more or less; thence, N76°13'24"W, a distance of 13.77 feet, more or less; thence, N13°46'36"E, a distance of 52.00 feet, more or less; thence, S76°13'24"E, a distance of 5.67 feet, more or less; thence, N13°46'36"E, a distance of 80.12 feet, more or less; thence, N00°35'05"E, a distance of 68.76 feet, more or less; thence, N00°00'00"W, a distance of 83.80 feet, more or less; thence, S90°00'00"W, a distance of 0.65 feet, more or less; thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 18.65 feet, more or less; thence, N00°00'00"W, a distance of 200.26 feet, more or less; thence, S90°00'00"W, a distance of 20.17 feet, more or less; thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 2.17 feet, more or less; thence, N00°00'00"W, a distance of 455.50 feet, more or less; thence, curving to southwest to the left on a curve with a radius of 562.00 feet, a delta of 01°25'51", an arc length of 14.03 feet, and a chord bearing of S78°05'02"W and chord distance of 14.03 feet; thence, N12°37'53"W, a distance of 76.00 feet, more or less; thence, curving to the northeast to the right on a curve with a radius of 638.00 feet, a delta of 10°54'37", an arc length of 121.49 feet, and a chord bearing of N82°49'25"E and chord distance of 121.30 feet; thence, N44°21'49"E, a distance of 14.30 feet, more or less; thence, N00°00'00"W, a distance of 15.20 feet, more or less; thence, N90°00'00"E, a distance of 52.00 feet, more or less; thence, S00°00'00"E, a distance of 15.13 feet, more or less; thence, S45°00'00"E, a distance of 14.14 feet, more or less; thence, N90°00'00"E, a distance of 142.69 feet, more or less, to a point on the north/south 1/4 section line of Section 4, T1N, R8E, BHM, Pennington County, South Dakota; thence, southerly along said 1/4 section line, S00°05'16"E, a distance of 941.09 feet, more or less, to a point marked by an iron pin; thence, continuing southerly along said 1/4 section line, S00°05'03"E, a distance of 517.62 feet, more or less, to a point located on said 1/4 section line being marked by a rebar with survey cap "LS 6251"; thence, continuing southerly along said 1/4 section line, S00°03'43"E, a

distance of 781.29 feet, more or less; thence, S89°47'47"W, a distance of 303.32 feet, more or less to a point along the easterly line of Lot 17 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 17 in Block 1 of Copperfield Subdivision, N22°39'36"W, a distance of 46.14 feet, more or less, to the northeast corner of said Lot 17, said corner being coincident with the southeast corner of Lot 18 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 18 in Block 1 of Copperfield Subdivision, N01°44'10"W, a distance of 58.19 feet, more or less, to the northeast corner of said Lot 18, said corner being coincident with the southeast corner of Lot 19 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked with a rebar and survey cap "LS 2652"; thence, northeasterly along the east line of said Lot 19 in Block 1 of Copperfield Subdivision, N26°46'20"E, a distance of 44.28 feet, more or less, to the northeast corner of said Lot 19, said corner being coincident with the southeast corner of Lot 20 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked by a rebar with survey cap "LS 2652"; thence, northeasterly along the east line of Lots 20 through 24 inclusive of Block 1 of Copperfield Subdivision, as shown on the plats recorded in Book 22 of Plats on Page 21 and in Book 22 of Plats on Page 195, N27°11'29"E, a distance of 364.58 feet, more or less to the northeast corner of said Lot 24 in Block 1 of Copperfield Subdivision, said corner being coincident with the southeast corner of Lot 25 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northeasterly along the east line of said Lot 25 in Block 1 of Copperfield Subdivision, N19°26'44"E, a distance of 83.01 feet, more or less, to the northeast corner of Said Lot 25, said corner being coincident with the southeast corner of Lot 26 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195; thence, northeasterly along the east lines of Lots 26, 27 and 28 of Block One of Copperfield Subdivision, N02°40'24"E, a distance of 239.67 feet, more or less to the point of beginning, located east of Valley Drive and west of Concourse Drive.

98. No. 07PL026 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lot 6A and Lot 6B of Block 19 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Block 19 of Red Rock Estates, located in the SE1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Ainsdale Court.
99. No. 07PL029 - A request by D. C. Scott Co. Land Surveyors for Wesleyan Church for a **Preliminary Plat** on Lot 1 of Word of Hope Subdivision, located in the NE1/4 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NE1/4 SE1/4, lying southeast of Elk Vale Road, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on the west side of Jolly Lane, at the north end between Jolly Lane cul-de-sac and curve in Elk Vale Road.
100. No. 07PL034 - A request by Ron Davis for Davis Engineering, Inc. for a **Preliminary Plat** on Lots 8 thru 12 of Block 5; Lot 11 of Block 6; Lots 1 thru 3 of Block 7; and Lot 2 of Block 8 of Murphy Ranch Estates Subdivision, located on the NE1/4 of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the

unplatted balance of Tract F on the NE1/4 of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located east of Reservoir Road and south of Longview Road.

101. No. 07PL038 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 through 7 of Block 1, Tracts A, B, C, D, and E of Block 2, Lots 1 through 9 of Block 3, Tracts G and J, of Rushmore Crossing, and Eglin Street (formerly part Farnwood Avenue), Luna Avenue extension, areas dedicated for public right-of-way purposes, easements and vacation of easements and public right-of-ways of Rushmore Crossing in Sections 29, 30 and 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota., legally described as Lots BR of Lots 2 of the SE1/4 SW1/4 of Section 29; Lots C of Lots 2 of the SE1/4 SW1/4 of Section 29; Tract C of the SW1/4 of Section 29; Lots 1 of the SW1/4 SE1/4 Section 29; Lots A of Lots 1 and 2 on the SE1/4 SE1/4 of Section 29; Lots 1R of Lots 1 and 2 of the SE1/4 SW1/4 of Section 29; unplatted portions of the SW1/4 of Section 29; Lots H-1, located in the N1/2 SE1/4 of Section 30; part of Lots 1 and 2, Block 2 of Rapps Addition, located in the SE1/4 of Section 30; part of Lots M, located in the NW1/4 SE1/4 of Section 30; part of Lots K-4 of Marshall Heights Tract, located in the SW1/4 of Section 30; and the unplatted portions of the SE1/4 of Section 30; and Tract C in the NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Interstate 90 and North LaCrosse Street.
102. No. 07PL044 - A request by Fisk Land Surveying & Consulting Engineers for Michael Leiby for a **Layout Plat** on Lots 16A and 16B of Block 4 of Eastern Acres Subdivision, located in Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 16 of Block 4 of Eastern Acres Subdivision, located in Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 5870 Mercury Drive.
103. No. 07PL045 - A request by Sperlich Consulting, Inc. for Gordon Howie for a **Preliminary Plat** on Lots 25 thru 32 of Block 18, Lots 9 thru 15 and Lots 18 thru 20 of Block 24, Lots 4 thru 9 of Block 25, and Lots 1 thru 5 of Block 26, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Savannah Street and southeast of the intersection of Albert Land and Plateau Lane.
104. No. 07RZ012 – Second Reading, Ordinance No. 5267, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by Dream Design International, Inc. for a **Rezoning from No Use District to General Commercial District** on Lot 1 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Elk Vale Road and Creek Drive.
105. No. 07RZ016 – Second Reading, Ordinance No. 5273, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by enVision Design, Inc. for Plum Creek Development LLC for a **Rezoning from General Commercial District to Office Commercial District** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington

County South Dakota. more particularly described as follows: Commencing at the west one-quarter corner of said SW1/4 of Section 16; Thence S00°02'47"E a distance of 520.56 feet to the true point of beginning; Thence S64°12'46"E a distance of 216.53 feet; Thence S37°01'44"W a distance of 323.28 feet; Thence N00°02'47"W a distance of 352.28 feet to the true point of beginning containing an area of 1 acres more or less, located southeast of the intersection of Elk Vale Road and Willowbend Road.

106. No. 07RZ017 – Second Reading, Ordinance No. 5274, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by enVision Design, Inc. for Plum Creek Development LLC for a **Rezoning from General Agriculture District to General Commercial District** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: beginning at the southwest corner of said SW1/4 of Section 16, monumented with a "Brass Cap"; Thence N00°02'47"W along the west line of said SW1/4 of Section 16 a distance of 659.14 feet; Thence N43°11'32"E a distance of 908.40 feet to the south line of the N1/2 of said SW1/4; Thence N89°56'28"E along said south line a distance of 764.34 feet; Thence S11°27'13"W a distance of 176.90 feet; Thence S00°00'00"E a distance of 425.77 feet; Thence N90°00'00"E a distance of 82.76 feet; Thence S47°24'00"E a distance of 55.30 feet; Thence S42°36'00"W a distance of 679.73 feet; Thence S36°48'24"E a distance of 230.78 feet to the south line of said SW1/4; Thence S89°58'32"W along said south line a distance of 1152.06 feet to the point of beginning, containing an area of 34 acres more or less, located southeast of the intersection of Elk Vale Road and Willowbend Road.
107. No. 07RZ018 – Second Reading, Ordinance No. 5275, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by enVision Design, Inc. for Plum Creek Development LLC for a **Rezoning from Office Commercial District to General Commercial District** on a Tract of land located in the SW1/4 of Section 16, T1N, R8E of the BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the west one-quarter corner of said SW1/4 of Section 16; Thence N89°53'45"E a distance of 963.59 feet; to the true point of beginning; Thence N89°53'45"E a distance of 440.90 feet; Thence S25°29'36"W a distance of 1072.85 feet to a point of curvature; Thence along the arc of a curve to the right having a radius of 204.00 feet, a central angle of 07°38'22" for a distance of 27.20 feet; Thence N60°47'57"W a distance of 304.64 feet; Thence N64°12'46"W a distance of 214.00 feet; Thence N37°01'44"E a distance of 266.29 feet to a point on a curve from which the radius point of said curve bears N52°56'54"W a distance of 3424.04 feet; Thence northeasterly along the arc of a curve to the left having a radius of 3424.04 feet, a central angle of 10°34'59" for a distance of 632.45 feet to the true point of beginning, containing an area of 10 acres more or less, located southeast of the intersection of Elk Vale Road and Willowbend Road.
108. No. 07RZ019 – Second Reading, Ordinance No. 5276, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by Fisk Land Surveying & Consulting Engineers for Jenicey, Inc., Craig Uhre President for a **Rezoning from Heavy Industrial District to General Commercial District** on Lot A of Tract 2 of Kormylo Subdivision, located in the SW1/4 NW1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota,

located at the northeast corner of the intersection of U.S. Highway 79 South Minnesota Street.

109. No. 07SV001 - A request by Sperlich Consulting, Inc. for Doeck, 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 the section line highway as per Chapter 16.16 of the Rapid City Municipal Code** on a portion of the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, and a portion of Tract 5 of Sletten Addition, located in the NW1/4 of the SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the easterly 1/4 Corner of Section 13, T2N, R7E, common with the westerly 1/4 corner of Section 18, T2N, R8E, and common with the northwesterly corner of Tract 5 of Sletten Addition, and the Point of Beginning; Thence, first course: S89°38'53"E, along the northerly boundary of said Tract 5 of Sletten Addition, a distance of 33.00 feet, to a point on the easterly edge of the statutory section line right-of-way in said Section 18; Thence, second course: S00°07'25"W, along the easterly edge of said statutory section line right-of-way, a distance of 1090.65 feet, to a point of curve of Lot H-1 of Tract 5 of Sletten Addition; Thence, third course: northwesterly, curving along the northeasterly edge of the right-of-way of said Lot H-1 of Tract 5 of Sletten Addition, curving to the left on a curve with a radius of 285.79 feet, a delta angle of 27°48'23", an arc length of 138.70 feet, a chord bearing of N13°46'46"W, and a chord distance of 137.34 feet, to the northwesterly corner of said Lot H-1 of Tract 5 of Sletten Addition, and a point of compound curvature; Thence, fourth course: northwesterly, curving to the left on a curve with a radius of 253.40 feet, a delta angle of 14°54'34", an arc length of 65.94 feet, a chord bearing of N30°00'02"W, and a chord distance of 65.75 feet, to a point on the westerly edge of the statutory section line right-of-way in said Section 13; Thence, fifth course: N00°07'25"E, along the westerly edge of said statutory section line right-of-way, a distance of 900.49 feet, to a point on the Center 1/4 line of said Section 13; Thence, sixth course: N89°56'42"E, along said Center 1/4 line of said Section 13, a distance of 33.00 feet, to the easterly 1/4 Corner of Section 13, T2N, R7E, common with the westerly 1/4 Corner of Section 18, T2N, R8E, and common with the northwesterly corner of Tract 5 of Sletten Addition, and the Point of Beginning, located at the northern terminus of Cobalt Drive.
110. No. 07SV005 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to provide easements across lots or centered on rear or side lot lines for utilities and drainage as per Chapter 16.12.200.A of the Rapid City Municipal Code** on Lots 1 thru 21 of Block 1, Lots 1 thru 4 of Block 2, Lots 1 thru 5 of Block 3, Lots 1 thru 3 of Block 4, Lots 1 and 2 of Block 5, and Lots 1 thru 6 of Block 6 and Utility Lot 1 of Copperfield Vistas Subdivision, all located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot 28 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a rebar with survey cap "LS 6251"; thence, westerly along the north line of said Lot 28 in Block 1 of Copperfield Subdivision, S89°59'08"W, a distance of 109.97 feet, more or less, to the northwest corner of said Lot 28, said corner being marked by a 5/8 inch rebar; thence, southwesterly along the northerly edge of Copperfield Drive right-of-way, S71°30'56"W, a

distance of 63.29 feet, more or less to the northeast corner of Lot 1 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 83.02 feet, more or less; thence, continuing northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 15.67 feet, more or less, to the northwest corner of said Lot 1, said corner being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap; thence, northwesterly along the north line of said Lot 3 in Block 7 of Copperfield Subdivision, N88°42'16"W, a distance of 51.73 feet, more or less, to the northwest corner of said Lot 3, said point being coincident with the northeast corner of Lot 4 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap "LS 2652"; thence, northwesterly along the north line of said Lot 4 in Block 7 of Copperfield Subdivision, N88°18'11"W, a distance of 76.36 feet, more or less, to the northwest corner of said Lot 4, said point being coincident with the northeast corner of Lot 5 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 68.75 feet, more or less; thence, N15°55'14"E, a distance of 104.91 feet, more or less; thence, N74°04'46"W, a distance of 45.00 feet, more or less; thence, N15°55'14"E, a distance of 160.58 feet, more or less; thence, S76°13'24"E, a distance of 120.24 feet, more or less; thence, S78°04'22"E, a distance of 59.02 feet, more or less; thence, N13°46'36"E, a distance of 98.10 feet, more or less; thence, N76°13'24"W, a distance of 13.77 feet, more or less; thence, N13°46'36"E, a distance of 52.00 feet, more or less; thence, S76°13'24"E, a distance of 5.67 feet, more or less; thence, N13°46'36"E, a distance of 80.12 feet, more or less; thence, N00°35'05"E, a distance of 68.76 feet, more or less; thence, N00°00'00"W, a distance of 83.80 feet, more or less; thence, S90°00'00"W, a distance of 0.65 feet, more or less; thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 18.65 feet, more or less; thence, N00°00'00"W, a distance of 200.26 feet, more or less; thence, S90°00'00"W, a distance of 20.17 feet, more or less; thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 2.17 feet, more or less; thence, N00°00'00"W, a distance of 455.50 feet, more or less; thence, curving to southwest to the left on a curve with a radius of 562.00 feet, a delta of 01°25'51", an arc length of 14.03 feet, and a chord bearing of S78°05'02"W and chord distance of 14.03 feet; thence, N12°37'53"W, a distance of 76.00 feet, more or less; thence, curving to the northeast to the right on a curve with a radius of 638.00 feet, a delta of 10°54'37", an arc length of 121.49 feet, and a chord bearing of N82°49'25"E and chord distance of 121.30 feet; thence, N44°21'49"E, a distance of 14.30 feet, more or less; thence, N00°00'00"W, a distance of 15.20 feet, more or less; thence, N90°00'00"E, a distance of 52.00 feet, more or less; thence, S00°00'00"E, a distance of 15.13 feet, more or less; thence, S45°00'00"E, a distance of 14.14 feet, more or less; thence, N90°00'00"E, a distance of 142.69 feet, more or less, to a point on the north/south 1/4 section line of Section 4, T1N, R8E, BHM, Pennington County, South Dakota; thence, southerly along said 1/4 section line, S00°05'16"E, a distance of 941.09 feet, more or less, to a point marked by an iron pin; thence, continuing southerly along said 1/4 section line, S00°05'03"E, a distance of 517.62 feet, more or less, to a point located on said 1/4 section line being marked by a rebar with survey cap "LS 6251";

thence, continuing southerly along said 1/4 section line, S00°03'43"E, a distance of 781.29 feet, more or less; thence, S89°47'47"W, a distance of 303.32 feet, more or less to a point along the easterly line of Lot 17 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 17 in Block 1 of Copperfield Subdivision, N22°39'36"W, a distance of 46.14 feet, more or less, to the northeast corner of said Lot 17, said corner being coincident with the southeast corner of Lot 18 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 18 in Block 1 of Copperfield Subdivision, N01°44'10"W, a distance of 58.19 feet, more or less, to the northeast corner of said Lot 18, said corner being coincident with the southeast corner of Lot 19 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked with a rebar and survey cap "LS 2652"; thence, northeasterly along the east line of said Lot 19 in Block 1 of Copperfield Subdivision, N26°46'20"E, a distance of 44.28 feet, more or less, to the northeast corner of said Lot 19, said corner being coincident with the southeast corner of Lot 20 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked by a rebar with survey cap "LS 2652"; thence, northeasterly along the east line of Lots 20 through 24 inclusive of Block 1 of Copperfield Subdivision, as shown on the plats recorded in Book 22 of Plats on Page 21 and in Book 22 of Plats on Page 195, N27°11'29"E, a distance of 364.58 feet, more or less to the northeast corner of said Lot 24 in Block 1 of Copperfield Subdivision, said corner being coincident with the southeast corner of Lot 25 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northeasterly along the east line of said Lot 25 in Block 1 of Copperfield Subdivision, N19°26'44"E, a distance of 83.01 feet, more or less, to the northeast corner of Said Lot 25, said corner being coincident with the southeast corner of Lot 26 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195; thence, northeasterly along the east lines of Lots 26, 27 and 28 of Block One of Copperfield Subdivision, N02°40'24"E, a distance of 239.67 feet, more or less to the point of beginning, located east of Valley Drive and west of Concourse Drive.

111. No. 07SV008 - A request by Sperlich Consulting, Inc. for Schriener Investments, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, sewer and street light conduit and to reduce the width of the access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 6 of Block 1, Lots 1 thru 5 of Block 2, Lot 1 of Block 3 of Medicine Ridge Subdivision, located in the NE1/4 NE1/4 and the SE1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as 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 and the SE1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Enchantment Road and east of Enchanted Pines Drive.
112. No. 07SV010 - A request by D. C. Scott Co. Land Surveyors for Wesleyan Church for a **Variance to the Subdivision Regulations to waive the requirement to develop section line right-of-way on an extension of Jolly Lane, dedicate additional public right-of-way on an extension of Jolly Lane, or install sidewalk on Jolly Lane; and to waive the requirements to install curb, gutter, sidewalk, sewer, water, or planting screen easement on Elk Vale Road as per Chapter 16.16 of the Rapid City**

Municipal Code on Lot 1 of Word of Hope Subdivision, located in the NE1/4 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NE1/4 SE1/4, lying southeast of Elk Vale Road, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on the west side of Jolly Lane, at the north end between Jolly Lane cul-de-sac and curve in Elk Vale Road.

113. No. 07SV013 - 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, sewer, water and pavement and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 7 of Block 1, Tracts A, B, C, D, and E of Block 2, Lots 1 through 9 of Block 3, Tracts G and J, of Rushmore Crossing, and Eglin Street (formerly part Farnwood Avenue), Luna Avenue extension, areas dedicated for public right-of-way purposes, easements and vacation of easements and public right-of-ways of Rushmore Crossing in Sections 29, 30 and 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota., legally described as Lots BR of Lots 2 of the SE1/4 SW1/4 of Section 29; Lots C of Lots 2 of the SE1/4 SW1/4 of Section 29; Tract C of the SW1/4 of Section 29; Lots 1 of the SW1/4 SE1/4 Section 29; Lots A of Lots 1 and 2 on the SE1/4 SE1/4 of Section 29; Lots 1R of Lots 1 and 2 of the SE1/4 SW1/4 of Section 29; unplatted portions of the SW1/4 of Section 29; Lots H-1, located in the N1/2 SE1/4 of Section 30; part of Lots 1 and 2, Block 2 of Rapps Addition, located in the SE1/4 of Section 30; part of Lots M, located in the NW1/4 SE1/4 of Section 30; part of Lots K-4 of Marshall Heights Tract, located in the SW1/4 of Section 30; and the unplatted portions of the SE1/4 of Section 30; and Tract C in the NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Interstate 90 and North LaCrosse Street.
114. No. 07SV016 - A request by David Kallemeyn for Irvin W. and Illa M. Cannon for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, street light conduit, water and sewer along Easy Street and to waive the requirement to install sidewalk along Corral Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 24A and 24B of the NE1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 24 of the NE1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3375 Corral Drive.
115. No. 07SV017 - A request by Fisk Land Surveying & Consulting Engineers for Michael Leiby for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 16A and 16B of Block 4 of Eastern Acres Subdivision, located in Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 16 of Block 4 of Eastern Acres Subdivision, located in Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 5870 Mercury Drive.
117. No. 07VR001 - A request by Boschee Engineering for OTS, Inc. for a **Vacation of Section Line Highway** on a parcel of land located in the SW1/4 of Section 22, T1N, R7E, and the NW1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County,

South Dakota, located southeast of the intersection of Sheridan Lake Road and Wildwood Drive.

118. No. 07VR002 - A request by Dream Design International, Inc. for a **Vacation of Right-of-Way** on the Rapp Street H-Lot located in the NE1/4 SW1/4 and NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on Rapp Street east of LaCrosse Street.
119. No. 07VR003 - A request by Dream Design International, Inc. for a **Vacation of Right-of-Way** on the Lot H-1 located in the S1/2 N1/2 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of I90 and west of East North Street.

Continue the following items until May 21, 2007:

120. No. 07VE004 - A request by Angle Survey for Brandon Payne for a **Vacation of an Access Easement** on Lots 23 and 24 of Block 1 of Hillsvew Haven Subdivision, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 23640 and 23642 Busted Five Court.

Continue the following items until June 4, 2007:

121. No. 06PL176 - A request by Renner & Associates for Rob Livingston for a **Preliminary Plat** on Lots 1 thru 15 of Block 1 of Blake Estates Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Tract A of Government Lot 1 and Tract A of Government Lot 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, located northwest of the intersection of Blake Road and West Highway 44.
122. No. 06SV075 - A request by Renner & Associates for Rob Livingston for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highway and to waive the requirement to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 15 of Block 1 of Blake Estates Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Tract A of Government Lot 1 and Tract A of Government Lot 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, located north of the intersection of West Highway 44 and Blake Road.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

LaCroix moved, second by Okrepkie and carried to close the public hearing on Items 80-140.

The Mayor presented No. 07SV019, a request by CETEC Engineering Services, Inc. for OS Development, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Reservoir Road and to provide a sidewalk on both sides of the collector street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A thru E, Lots 1 thru 729, Morningstar Subdivision, S1/2 NE1/4, SE1/4 less Tract 1 of the Bradeen Subdivision, less Right-of-Way, Section 22; W1/2 NE1/4, SE1/4 NE1/4, NE1/4 NE1/4, Section 27, T1N, R8E, BHM, Pennington County, legally described as the S1/2 NE1/4, SE1/4 less Tract 1 of Bradeen Subdivision, Section 22, and NE1/4 NE1/4, W1/2 NE1/4, SE1/4 NE1/4, Section 27, T1N, R8E, BHM, Pennington County, South Dakota,

located west of Reservoir Road approximately one mile south of the intersection of SD Hwy 44 and Reservoir Road. Olson moved, second by Hadcock and carried that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Reservoir Road be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements; that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Reservoir Road be denied without prejudice; and, that the Variance to the Subdivision Regulations to waive the requirement to install a sidewalk along both sides of the collector street be denied.

Olson moved, second by Kroeger and carried to authorize the Mayor and Finance Office to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, and street light conduit along Reservoir Road as they abut the subject property. (07SV019)

CONSENT PUBLIC HEARING ITEMS – Item 123 - 131

The following items were removed from the Consent Public Hearing Items;

129. At Tatiana's, Inc. dba **At Tatiano's – The Russian Restaurant**, 1115 East North Street for a Retail (On-Sale) Wine License

130. At Tatiana's, Inc. dba **At Tatiano's – The Russian Restaurant**, 1115 East North Street for a Retail (On-Off Sale) Malt Beverage License (No Video Lottery)

131. No. PW103106-22 - Approve a Resolution Levying Assessment for Fairview Street Sewer Extension Project No. SS06-1556

LaCroix moved, second by Olson and carried to approve the following items as they appear on the Consent Public Hearing Items.

ALCOHOL LICENSES

123. **Rushmore German Club** for a special Beer License for an event scheduled August 17 thru 25, 2007 at the Central States Fair, 800 San Francisco Street

124. Kraft Farms, Inc. dba **Corner Pantry LaCrosse**, 2130 LaCrosse Street for a Package (Off-Sale) Liquor License Transfer from Flannery Oil Company dba Corner Pantry-LaCrosse Street, 2130 LaCrosse Street

125. Yeung, Inc. dba **Great Wall Chinese Restaurant**, 315 East North Street for a Retail (On-Sale) Wine License Transfer from Great Wall, Inc. dba Great Wall Chinese Restaurant, 315 East North Street

126. Yeung, Inc. dba **Great Wall Chinese Restaurant**, 315 East North Street for a Retail (On-Off Sale) Malt Beverage License (No Video Lottery) Transfer from Great Wall, Inc. dba Great Wall Chinese Restaurant, 315 East North Street

127. Yeung, Inc. dba **Imperial Chinese Restaurant**, 702 East North Street for a Retail (On-Sale) Wine License Transfer from Great Wall, Inc. dba Imperial Chinese Restaurant, 702 East North Street

128. Yeung, Inc. dba **Imperial Chinese Restaurant**, 702 East North Street for a Retail (On-Off Sale) Malt Beverage License (No Video Lottery) Transfer from Great Wall, Inc. dba Imperial Chinese Restaurant, 702 East North Street

END OF CONSENT PUBLIC HEARING ITEMS

Johnson moved, second by Okrepkie and carried to continue the alcohol license hearing for At Tatiana's, Inc. dba At Tatiano's – The Russian Restaurant, 1115 East North Street for a Retail (On-Sale) Wine License; and At Tatiana's, Inc. dba At Tatiano's – The Russian Restaurant, 1115 East North Street for a Retail (On-Off Sale) Malt Beverage License (No Video Lottery) to the May 7, 2007 Council meeting.

The Mayor announced that the meeting was open for consideration of the assessment roll for No. PW103106-22, Fairview Street Sewer Extension Project No. SS06-1556. Notices were mailed to affected property owners on April 9, 2007 and published in the Rapid City Journal on April 10, 2007. No oral or written comments were submitted. The following Resolution was introduced, read and Okrepkie moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR
FAIRVIEW STREET SEWER EXTENSION
PROJECT NO. SS06-1556
(9th Street to West Boulevard, Clark Street to Fairview Street)

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by constructing approximately 365 feet of eight (8) inch sewer main is the amount stated in the proposed assessment roll.
2. The assessment roll for Fairview Street Sewer Extension Project No. SS06-1556 (9th Street to West Boulevard, Clark Street to Fairview Street) is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in ten annual installments bearing interest at the rate not to exceed nine percent (9%).

Dated this 16th day of April, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

The motion for adoption of the foregoing Resolution was seconded by Johnson for discussion. Jablonski, responding to a question from Alderman Olson, indicated that forty percent of the project cost is paid by the City and the remaining sixty percent will be paid by the benefiting

property owners. Alderman Hurlbut reiterated his concern about the City accepting responsibility for a public sanitary sewer main, but not a sanitary sewer service line that functions as a quasi-service line. He believed this is a disservice to others that may be served by a quasi-service line. Alderman Olson indicated that this is an issue of fairness to the community, as a whole. Upon a roll call vote, the following voted AYE: Johnson, LaCroix, Okrepkie, Hadcock, Olson, Kroeger, and Chapman; NO: Hurlbut, Schumacher, and Kooiker; whereupon said Resolution was declared duly passed and adopted.

NON-CONSENT PUBLIC HEARING ITEMS – Items 132 – 140

The Mayor presented No. 06PD070, an appeal of the Planning Commission's decision on a request by J Scull Construction for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1 thru 16, Evergreen Condominiums, and Lot B of Lot 14, less North 80 feet of the East 255 feet of Lot B, platted, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1626 Evergreen Street. Olson moved, second by Kroeger and carried to deny without prejudice at the applicant's request.

The Mayor presented No. 06PD097, an appeal of the Planning Commission's decision on a request by John M. Rowe, Buell Consulting, Inc. for Cellular, Inc. Network Corporation d/b/a Verizon Wireless for a **Major Amendment to a Planned Residential Development to allow the construction of a cellular tower and accessory structures** on Lot 1 of Vista Lake Subdivision No. 2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4600 Jackson Boulevard. Olson moved, second by Hurlbut to approve with stipulations. Elkins indicated that the Planning Commission approved the major amendment with a stipulation that required the applicant to revise the site plan, eliminating the cellular facility.

Substitute motion was made by Chapman, second by Hadcock to continue to the May 21, 2007 Council meeting; and request staff to hold a public neighborhood meeting to discuss the cellular tower. Responding to a question from Alderman Okrepkie, Mike Derby indicated that height is an issue, but lowering the tower does not solve the view shed issue in this location. Alderman Johnson believed that this will not have a major impact on the area; and pointed out that there have been a number of public meetings to discuss the request.

Second substitute motion was made by Hurlbut, second by Johnson to approve a request by John M. Rowe, Buell Consulting, Inc. for Cellular, Inc. Network Corporation d/b/a Verizon Wireless for a **Major Amendment to a Planned Residential Development to allow the construction of a cellular tower and accessory structures** on Lot 1 of Vista Lake Subdivision No. 2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4600 Jackson Boulevard with the following stipulations: 1. That the tower be architecturally in compliance with the plans that have been submitted, including the presentation of the flag, flagpole, and the building; and the fencing; that the tower be designed so as to allow co-location of two providers on the tower; and that the tower be designed in such a way that the FAA does not require that it be a lit tower, or that it be a painted red and white tower; 2. Prior to Planning Commission approval, the site plan shall be revised eliminating the graveled turnaround from the Jackson Boulevard right-of-way; 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy; 4. Prior to issuance of a building permit for any of the three proposed lots, surety shall be posted for the extension of water and sewer to proposed Lot 1 and for sidewalks along proposed Lot 1 as it

abuts Jackson Boulevard; 5. Prior to issuance of a building permit, 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 Development Service Center Division; 6. Upon submittal of a building permit, a grading and drainage plan for the proposed development shall be submitted for review and approval; 7. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the right-of-way; 8. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre; 9. An Industrial Pre-treatment Permit shall be obtained prior to issuance of a building permit; 10. A Manual of Uniform Traffic Control Devices (MUTCD)/Compliant Traffic Control Plan shall be submitted to the South Dakota Department of Transportation for review and approval one month in advance of construction for all stages of work that may impact the safety of the public within the Jackson Boulevard right-of-way; 11. The proposed structure shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development Plan; 12. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Development. A sign permit shall also be obtained; 13. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary; 14. A minimum of seven parking spaces shall be provided. One of the spaces shall be "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met; 15. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind; 16. All International Fire Codes shall be met; 17. The proposed structure shall be used as a residence and photography studio. Any other use shall require a Major Amendment to the Planned Residential Development; and, 18. The Planned 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.

Alderman Olson indicated that the constituents she heard from were not so much in favor of a tower, but favored better cellular service. Olson believed there are other alternatives to solve the problem. Alderman LaCroix indicated his support of this cellular facility because of the type and height of the tower. Alderman Hadcock read a staff report that indicated that there may be other sites within the area more appropriate for a communication facility that are not visible from Jackson Boulevard and Canyon Lake; and that the applicant has the option of using micro-cell, wireless communication facilities on commercial buildings. Alderman Chapman offered support for a public neighborhood meeting to get more input. Mayor Shaw encouraged the Council to continue the item to allow for more public input, because once the tower is up, it will never come down.

Upon a roll call vote, the second substitute motion carried with the following voting AYE: LaCroix, Okrepkie, Hurlbut, Schumacher, Kroeger, Chapman, and Johnson; NO: Hadcock and Olson; ABSTAINING: Kooiker.

At 10:12 P.M. Aldermen Schumacher and Kooiker left the meeting.

The Mayor presented No. 07CA014, a request by Fisk Land Surveying & Consulting Engineers for Jenicey, Inc., Craig Uhre, President for an **Amendment to the Adopted Comprehensive Plan to change the Land use designation from Industrial to General Commercial** on Lot A of Tract 2 of Kormylo Subdivision, located in the SW1/4 NW1/4 of Section 17, T1N, R8E, BHM,

Rapid City, Pennington County, South Dakota, located at the northeast corner of the intersection of U.S. Highway 79 and South Minnesota Street. Olson moved, second by Kroeger and carried to deny without prejudice.

The Mayor presented No. 07CA015, a request by enVision Design, Inc. for Plum Creek Development LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. more particularly described as follows: Commencing at the southwest corner of said SW1/4 of section 16, monumented with a "Brass Cap": Thence N00°02'47"W along the west line of said SW1/4 of Section 16 a distance of 1320.78 feet to the south line of the N1/2 of said SW1/4; Thence N89°56'28"E along said south line a distance of 622.29 feet to the true point of beginning; Thence N43°11'32"E a distance of 341.06 feet; Thence S52°58'51"E a distance of 45.24 feet; Thence S73°29'03"E a distance of 86.87 feet; Thence N65°38'53"E a distance of 86.30 feet; Thence N45°00'00"E a distance of 240.00 feet; Thence S45°00'00"E a distance of 127.13 feet to a point on a curve from which the radius of said curve bears S38°06'51"E a distance of 296.00 feet; Thence north easterly along the arc of a curve to the right having a radius of 296.00 feet, a central angle of 18°38'05" for a distance of 96.27 feet; Thence departing said curve S00°06'26"E a distance of 301.76 feet; Thence S11°27'13"W a distance of 56.86 feet to said south line; Thence S89°56'28"W along said south line a distance of 764.34 feet to the true point of beginning, containing an area of 4 acres more or less, located southeast of the intersection of Elk Vale Road and Willowbend Road. Olson moved, second by Kroeger and carried to deny without prejudice at the applicant's request.

Olson moved, second by Johnson and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of sidewalk along Ireland Place as it abuts Lot 13 of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3825 Corral Drive. (07SV015)

The Mayor presented No. 07SV015, a request by Tyz Thurston for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 13A and 13B of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 13 of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3825 Corral Drive. Olson moved, second by Kroeger and carried to approve the Variance with the following stipulation: 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. 07SV018, a request by Sperlich Consulting, Inc. for Gordon Howie for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 25 thru 32 of Block 18, Lots 9 thru 15 and Lots 18 thru 20 of Block 24, Lots 4 thru 9 of Block 25, and Lots 1 thru 5 of Block 26, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Savannah Street and southeast of the intersection of Albert Lane and Plateau Lane. Olson moved, second by Kroeger and carried to approve the Variance.

The Mayor presented No. 07RZ020, second reading of Ordinance No. 5277, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by Barbara Thirstrup Zar for a **Rezoning from General Commercial District to Medium Density Residential District** on Lots 4 thru 7 of Block 9 of West Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 809 and 811 St. Cloud Street. Notice of hearing was published in the Rapid City Journal on April 7, 2007 and April 14, 2007. Ordinance No. 5277 having had the first reading on April 2, 2007; Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Olson, Kroeger, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5277 the second time.

The Mayor presented No. 07RZ021, second reading of Ordinance No. 5278, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by enVision Design, Inc. for Plum Creek Development LLC for a **Rezoning from Low Density Residential II District to General Commercial District** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; more particularly described as follows: Commencing at the southwest corner of said SW1/4 of section 16, monumented with a "Brass Cap": Thence N00°02'47"W along the west line of said SW1/4 of Section 16 a distance of 1320.78 feet to the south line of the N1/2 of said SW1/4; Thence N89°56'28"E along said south line a distance of 622.29 feet to the true point of beginning; Thence N43°11'32"E a distance of 341.06 feet; Thence S52°58'51"E a distance of 45.24 feet; Thence S73°29'03"E a distance of 86.87 feet; Thence N65°38'53"E a distance of 86.30 feet; Thence N45°00'00"E a distance of 240.00 feet; Thence S45°00'00"E a distance of 127.13 feet to a point on a curve from which the radius of said curve bears S38°06'51"E a distance of 296.00 feet; Thence north easterly along the arc of a curve to the right having a radius of 296.00 feet, a central angle of 18°38'05" for a distance of 96.27 feet; Thence departing said curve S00°06'26"E a distance of 301.76 feet; Thence S11°27'13"W a distance of 56.86 feet to said south line; Thence S89°56'28"W along said south line a distance of 764.34 feet to the true point of beginning, containing an area of 4 acres more or less, located southeast of the intersection of Elk Vale Road and Willowbend Road. Notice of hearing was published in the Rapid City Journal on April 7, 2007 and April 14, 2007. Ordinance No. 5277 having had the first reading on April 2, 2007; Okrepkie moved, second by LaCroix and carried to deny without prejudice at the applicant's request.

BILLS

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

Payroll Paid Ending 03-31-07, Paid 04-05-07	739,811.93
Payroll Paid Ending 03-31-07, Paid 04-05-07	3,469.60
Pioneer Bank, Taxes Paid 04-05-07	178,018.65
Pioneer Bank, Taxes Paid 02-09-07 correction	588.47
Pioneer Bank, Taxes Paid 04-05-07	243.74
First Administrators, claims paid 04-04-07	94,882.53
First Administrators, claims paid 04-11-07	42,796.77
South Dakota Retirement System, retirement	339,666.13

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South Dakota Retirement System, retirement	416.34
1 st National Bank in Sioux Falls, SRF loan payment	388,219.18
Berkley Risk Administrators, claim payment	45,502.34
Black Hills Electric Cooperative, electricity	537.05
Black Hills Power & Light, electricity	10,807.93
Montana Dakota Utilities, gas	5,936.99
West River Electric Association, electricity	21,806.92
United States Postmaster, postage	1,800.00
Computer Bill List	<u>2,641,151.78</u>
Subtotal	\$4,515,656.35
Payroll Paid Ending 03-31-07, Paid 04-05-07	2,710.50
Pioneer Bank, Taxes Paid 04-05-07	192.54
South Dakota Retirement System, retirement	310.16
Charles Braunersrither, Volunteer stipend	150.00
City of Rapid City, postage	3.23
City of Rapid City, health insurance	1,178.00
City of Rapid City, petty cash	20.00
Conoco Phillips, gasoline	70.16
Dakota Business Center, copier maintenance	7.92
Radisson Hotels & Resorts, lodging	134.65
Standard Life, life insurance	7.00
Travel Center, airline	<u>454.81</u>
Subtotal	\$4,520,895.32
Brown Traffic Controls, CO #1, school zone beacons	4,465.30
AAA Travel Agency, airline	460.60
Hampton Inn, lodging	<u>246.34</u>
Total	\$4,526,067.56

At this time, Alderman Hadcock commented on an issue discussed in executive session. She indicated her disappointment that an apology has not been extended to the members of the City Council and citizens of Rapid City by Alderman Schumacher. She explained that Alderman Schumacher criticized her representation in an e-mail that was sent to the Council members using a fictitious name. She indicated that the Council was told this was done, because he believed it was funny. She believed it was inappropriate and unprofessional to play games; and Council members should demonstrate their leadership, and if they are unable, they should resign.

EXECUTIVE SESSION

Okrepkie moved, second by Hurlbut to go into Executive Session at 10:21 P.M. for the reasons permitted by SDCL 1-25-2.1.3 and 1-25-2.1.4. Motion carried. The Council came out of Executive Session at 11:12 P.M. with the following members present: Olson, Kroeger, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock. No action was taken.

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 11:12 P.M.

ATTEST:

CITY OF RAPID CITY

Finance Office

(SEAL)

Mayor