

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

August 20, 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, August 20, 2007 at 7:00 P.M.

The following members were present: Mayor Alan Hanks and the following Alderpersons: Lloyd LaCroix, Tom Johnson, Bob Hurlbut, Bill Okrepkie, Malcom Chapman, Ron Weifenbach, Karen Olson, Ron Kroeger, and Sam Kooiker; and the following Alderpersons arrived during the course of the meeting: Deb Hadcock; 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 Steve Allender, and Administrative Coordinator Jackie Gerry.

### **ADOPTION OF AGENDA**

The following items were added to the agenda:

- Airing Council meetings on Public Access Channel, Alderman Hurlbut
- Personal Privilege, Finance Officer Preston
- Authorize the Mayor and Finance Officer to sign the waiver of right to protest any future assessment for the installation of curb, gutter, street light conduit, sidewalk, water and sewer along the section line highway, and curb, gutter, street light conduit, water, sewer, and additional pavement along South Dakota Highway 44. (07SW033)

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

Alderman Hadcock entered the meeting at 7:05 P.M.

### **APPROVE MINUTES**

Okrepkie moved, second by Hurlbut and carried to approve the minutes of July 16, 2007, August 6, 2007 with a correction to the Bill List, decreasing the amount to \$9,475,153.69, August 7, 2007 Budget Review, and August 8, 2007 Budget Review.

### **AWARDS AND RECOGNITIONS**

Relative to the Pactola Reservoir reallocation of water rights, Mayor Hanks recognized the following individuals for their efforts in acquiring the water rights: former Assistant Public Works Director Ted Vore, Water Superintendent John Wagner, Curt Anderson and Jeff Nettleton from the Bureau of Reclamation, U. S. Senators Tim Johnson and John Thune, Congress woman Stephanie Herseth-Sandlin, former Mayor Jim Shaw, and Council members of the present and those of the past ten years. Mayor Hanks presented former Public Works Director Dan Bjerke, who worked on the water rights acquisition for seventeen years, the red-line version of the Bill signed by President Bush.

**GENERAL PUBLIC COMMENT**

Richard Narciso, 3702 Elm Avenue indicated that he had been recently hospitalized and is currently recovering at home. He reported that his personal vehicle had been parked at the curb in front of his home and it had been tagged on three separate occasions by the Police Department as an abandoned vehicle. He also reported that the City's Code Enforcement has visited his home citing that a commercial vehicle parked in his driveway is inappropriate because of its height. Narciso indicated his concern about being singled out when there are other residents along this street in violation of the same codes that he has been cited with; and questioned whether he is able to park his personal vehicle at the curb in front of his home.

**NON-PUBLIC HEARING ITEMS** -- Items 3 - 62

Okrepkie moved, second by Chapman and carried to open public comment on Items 3 - 51. Steven Brenden, Rapid City addressed items #34 (LF081507-12) suggesting that any developer benefiting from an TIF should not serve on the committee; #48 (LF081507-07) and #50 (07PL015) indicating his disagreement with the variances; and #49 (LF081507-15) suggesting the proposed location in close proximity to the landfill may not be appropriate. Chapman moved, second by Okrepkie and carried to close public comment on Items 3 - 51.

**CONSENT ITEMS** – Items 3 - 51

The following items were removed from the Consent Items:

3. No. 07VR008 - A request by Thomas J. Farrar for a Vacation of Right-of-way located northwest of the intersection of Century Road and S.D. Highway 16
31. No. 07VR009 - A Vacation of Section Line Highway located west side of Jolly Lane at the north end between Jolly Lane cul-de-sac and curve in Elk Vale Road.
34. No. LF081507-12 – Appointment of Dan Dryden, Bob Brandt, Norbert Sebade, and Mike Tennyson to the Committee to Review Tax Increment Financing Guidelines.
39. No. LF081507-08 - Acceptance of grant from South Dakota Department of Public Safety for Safe Streets Initiative.
41. No. 07TP016 – Final Rapid City Area Transportation Improvement Program (Fiscal Years 2008-2012).
45. Authorize the Pennington County Auditor's Office to conduct special election on September 18, 2007.
47. No. LF081507-17 - Authorize the Mayor and Finance Officer to sign a Grant Agreement with the South Dakota Department of Health Preparedness and Response to receive funding for Emergency Mosquito Control.
48. No. LF081507-07 – Authorize the Mayor and Finance Officer to sign a Contract for Private Development Tax Increment District No. 63 between Copperfield Vistas, LLP and the City of Rapid City.

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

***Vacations of Right-Of-Way Set for Hearing (September 17, 2007)***

4. No. 07VR010 - A request by City of Rapid City for a **Vacation of a portion of Right-of-way** on Lots 1 thru 46 of Millard Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to 904 thru 1014 Lemmon Avenue and northeast of the intersection of Van Buren Street and Lemmon Avenue.

***Alcoholic Beverage License Applications Set for Hearing (September 4, 2007)***

5. Dealer Exchange, Inc. dba **Diamond Dave's**, 2200 N. Maple Avenue (Rushmore Mall Space 478) for a Retail (On-Sale) Liquor License transfer from Hansen Investments, Inc. dba Diamond Dave's, 2200 N. Maple Avenue (Rushmore Mall Space 478)
6. Steven C. Lester LLC dba **Rushmore Plaza Holiday Inn**, 505 N. 5<sup>th</sup> Street for a Package (Off-Sale) Liquor License
7. **Rapid City Area Chamber of Commerce** for a special Beer & Wine License for an event scheduled September 7, 2007 at the Central States Fair Fine Arts Building, 800 San Francisco Street

***Public Works Committee Consent Items***

8. No. PW081407-03 - Acknowledge the report on the possibility of additional parkland in the south part of town
9. Approve the request to install street lighting in the median on Black Hills Power transmission poles (i.e. West Chicago Lighting Project)
10. No. PW081407-05 - Authorize staff to begin contract negotiations for engineering services for the Source Water Protection Initiative Master Plan
11. No. PW081407-06 - Authorize staff to solicit proposals for engineering services for Skyline Drive Restoration
12. No. PW081407-07 – Approve Change Order No. 2F for Sheridan Lake Road PCCP Repair Project No. STCM07-1636 / CIP No. 50445 to Tru-Form Construction, Inc. for an increase of \$2,926.54
13. No. PW073107-03R – Approve Change Order No. 1 for Wonderland Drive Street and Drainage Improvements Project No. ST06-1610 / CIP No. 50155 to Simon Contractors of SD, Inc. for an increase of \$62,977.00
14. No. PW081407-08 – Approve Change Order No. 4 for Country Road Regional Lift Station Project No. SS03-1255 / CIP #50376 to R.C.S. Construction, Inc. for an increase of \$234.92
15. No. PW081407-09 – Approve Change Order No. 1 for Downtown Alley Resurfacing 2007 Project No. ST07-1627 / CIP No. 50379 to Hills Materials Company for an increase of \$20,823.00
16. No. PW081407-10 – Approve Change Order No. 1F for Chip Seal Street 2007 Project No. ST07-1628 / CIP No. 50584 to Hills Materials Company for an increase of \$12,378.20
17. No. PW081407-11 – Approve Change Order No. 1F for 42" Trunk Sewer Siphon Rehabilitation Project No. SS05-1544 / CIP No. 50327 to Heavy Constructors, Inc. for an increase of \$1,876.45
18. No. PW081407-12 – Approve Change Order No. 1F for Hall Street Sewer Main Extension SS06-1482 / CIP No. 50632 to Mainline Contracting, Inc. for an increase of \$1,435.50

19. No. PW081407-13 - Authorize staff to advertise for bids for Meadowbrook Golf Course Bridge Repair Project No. PR07-1674
20. No. PW081407-14 - Authorize staff to advertise for bids for Canyon Lake Drive Irrigation Project No. PR06-1515 / CIP #50600
21. No. PW081407-15 – Authorize the Mayor and Finance Officer to sign Amendment No. 1 to the Financial and Road Transfer Agreement #612978 with South Dakota Department of Transportation
22. No. PW081407-16 – Authorize the Mayor and Finance Officer to sign Amendment No. 1 to the Professional Services Agreement with Advanced Engineering and Environmental Services, Inc. for the Elk Vale Water Reservoir Preliminary Engineering Study; Project No. W07-1638 for an amount not to exceed \$2,328.00
23. No. PW081407-17 – Authorize the Mayor and Finance Officer to sign Amendment No. 2 to the Professional Services Agreement with enVision Design, Inc. for the Preliminary and Final Design of Phase I of the Downtown Area Street Reconstruction Project No. ST04-1070, 1077, and 1449 for an amount not to exceed \$3,968.08
24. No. PW081407-18 – Authorize the Mayor and Finance Officer to sign a Sewer Construction Fee Resolution for a 10-inch gravity sewer main for Brookfield Subdivision Phase I

#### CONSTRUCTION FEE 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, a sewer main has been extended in the Brookfield Subdivision Phase I per plans filed with the City under City Development Files No. Dev05-773: Brookfield Subdivision Phase I as shown on Exhibit A, attached hereto and incorporated hereto; and

WHEREAS, the City has requested the developer to install a 10” sewer main to provide additional capacity to accommodate future upstream growth, and the City has paid the developer \$24,187.39 for the requested oversizing; and

WHEREAS, sewer oversize costs associated with the Brookfield Subdivision Phase I, City Development File No. Dev05-773 should be proportioned according to the benefit each property receives; and

WHEREAS, the sewer oversize costs for the 10” sewer main totaling \$24,187.39 will be proportioned to the properties identified in Exhibit A according to the benefits to accrue to such property before such property shall be served with such facilities; and

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

WHEREAS, the Common Council finds, after conducting a comprehensive investigation of the areas benefited by the construction of the sewer main associated with the Brookfield Subdivision Phase I, City Development File No. Dev05-773, 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 fees are hereby imposed on the property that benefits from the oversize portion of the construction of the sewer main associated with Brookfield Subdivision Phase I, City Development File No. Dev05-773; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A shall be required to pay its proportional share of the oversize cost of construction of the sewer main associated with Brookfield Subdivision Phase I, City Development File No. Dev05-773 prior to being served with City sewer; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A as benefiting property shall pay \$37.48 per acre prior to connection to the City’s sewer main; and

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

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$24,187.39 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 20<sup>th</sup> day of August, 2007.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 25. No. PW081407-19 – Authorize the Mayor and Finance Officer to sign a Sewer Construction Fee Resolution for 10-inch sewer force main for the Brookfield Subdivision Phase I

CONSTRUCTION FEE 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, a sewer force main has been extended in the Brookfield Subdivision Phase I per plans filed with the City under City Development Files No. Dev05-773: Brookfield Subdivision Phase I as shown on Exhibit A, attached hereto and incorporated hereto; and

WHEREAS, the City has requested the developer to install a 10" sewer force main to accommodate future upstream growth, and the City has paid the developer \$35,511.00 for the requested sewer force main; and

WHEREAS, sewer costs associated with the Brookfield Subdivision Phase I, City Development File No. Dev05-773 should be proportioned according to the benefit each property receives; and

WHEREAS, the cost for the 10" sewer force main totaling \$35,511.00 will be proportioned to the properties identified in Exhibit A according to the benefits to accrue to such property before such property shall be served with such facilities; and

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

WHEREAS, the Common Council finds, after conducting a comprehensive investigation of the areas benefited by the construction of the sewer force main associated with the Brookfield Subdivision Phase I, City Development File No. Dev05-773, 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 fees are hereby imposed on the property that benefits from the construction of the sewer force main associated with Brookfield Subdivision Phase I, City Development File No. Dev05-773; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A shall be required to pay its proportional share of the cost of construction of the sewer force main associated with Brookfield Subdivision Phase I, City Development File No. Dev05-773 prior to being served with City sewer; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A as benefiting property shall pay \$16.23 per acre prior to connection to the City's sewer system; and

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

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$35,511.00 is collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 20<sup>th</sup> day of August, 2007.

ATTEST:  
s/ James F. Preston

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

Finance Officer

(SEAL)

26. No. PW073107-20 - Approve the report on North Rapid High Level and Low Level Water System Modeling for NE Rapid City prepared by Ferber Engineering Company, Inc. dated June 29, 2007
27. No. PW081407-20 - Acknowledge the report on the Stormwater Management Plan and Phase II Stormwater Program Update
28. No. PW081407-21 - Approve the reallocation of funding on Change Order No. 1F for Block 12 Millard Addition Sanitary Sewer Extension Project No. SS06-1625 / CIP #50670 approved at the August 6, 2007 City Council Meeting
29. No. PW081407-22 - Authorize staff to declare and dispose of surplus property which is a stockpile of sand mixed with salt for the Street Division
30. Approve additional interest payment for the Pactola Reallocation Contract in the amount of \$3,075.66

***Legal & Finance Committee Consent Items***

32. No. LF081507-01 – Confirm appointment of Karen Masee to the Mayor’s Committee on Disabilities.
33. No. LF081507-11 – Confirm appointment of Steve Rolinger as the Ward 4 representative on the Rapid City Planning Commission.
35. No. LF081507-13 – Confirm appointment of Karim Merali to the BID Board.
36. No. LF081507-14 – Confirm appointment of Steve Rolinger as the Rapid City Planning Commission Representative to the Zoning Board of Adjustments.
37. No. LF081507-16 - Acknowledge the report on the recommendations of the Opportunity Capture Fund Committee for funding for Northrop Grumman Information Technology, Inc. and the South Dakota School of Mines & Technology.
38. No. LF080107-19 – Adopt the Government Buildings Five Year Plan for 2008.
40. No. LF081507-03 – Approve Event Permit for Festival of Lights to hold parade on November 24, 2007.
42. No. 07RD003 - Approve a request by Jared Tordsen for Land and Marine Developments, Inc. to consider an application for a **Road Name Change** from Hovering Heights Court to Abbey Road on the N1/2 of the NE1/4 of the SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Hovering Heights Court west of Bunker Drive with the stipulation that the developer will pay for any street signs that need to be changed.

RESOLUTION RENAMING  
HOVERING HEIGHTS COURT TO ABBEY ROAD

BE IT RESOLVED, by the City of Rapid City, that the Hovering Heights Court Right-of-way lying adjacent to Lots 1 thru 7, 22, 31 and 32 of Rockinon Ranch Estates, located in the N1/2 of the NE1/4 of the SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota be, and is hereby, renamed to Abbey Road.

Dated this 20<sup>th</sup> day of August, 2007.

CITY OF RAPID CITY

ATTEST:  
s/ James F. Preston  
Finance Officer

s/ Alan Hanks, Mayor

(SEAL)

43. No. LF080107-12 – Acknowledge presentation of audit of 2006 Annual Finance Report by Ketel, Thorstensen LLP.
44. Acknowledge the following volunteer for workmen compensation purposes: Danielle Bordeaux.
46. No. LF081507-10 – Authorize Mayor and Finance Officer to sign Request for Group Insurance Amendment.
49. No. LF081507-15 – Authorize the Mayor and Finance Officer to sign an Agreement between the City of Rapid City and South Dakota Department of Corrections to Allow Engineering and Assessment Activities to be conducted on City Owned Land that is the Proposed Site of a State Correctional Facility.

***Growth Management Department Consent Items***

50. 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. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the Planning Commission, the grading plans and construction plans shall be revised to show that the Rocky Mountain Pipeline is being protected as needed; 2. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; 3. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to provide storm sewer inlets at the intersection of Copperfield Drive and Homestead Street as per the Drainage Criteria Manual; 4. Prior to Preliminary Plat approval by the City Council, miscellaneous documents shall be recorded at the Register of Deed's Office securing off-site utility and drainage easements as needed; 5. Prior to submittal of a Final Plat application, the applicant shall enter into a cost sharing agreement with the City for any sewer improvements needed to serve the proposed development if necessary; 6. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

51. No. 07PL086 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lot 1 of Tract 2 Revised and Lot 2ER of Lot 2 of Tract 2 Revised of Cavern Crest Subdivision, located in the SE1/4 Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Tract 2 Revised and Lot 2E of Lot 2 of Tract 2 Revised of Cavern Crest Subdivision, located in the SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located at 2675 Cavern Road and 8500 West Highway 44. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the existing driveway located across the southwest corner of proposed Lot 1R within an access easement. In addition, construction plans for the access easement shall be submitted for review and approval showing the driveway constructed with a minimum 22 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Preliminary Plat approval by the City Council, road construction plans for Cavern Road shall be submitted for review and approval. In particular, the plans shall show the street located within 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; 3. Prior

to Preliminary Plat approval by the City Council, road construction plans for Cavern Crest Court shall be submitted for review and approval. In particular, the plans shall show the street located within 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; 4. Prior to Preliminary Plat approval by the City Council, road construction plans for S.D. Highway 44 West shall be submitted for review and approval. In particular, the 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; 5. Prior to Preliminary Plat approval by the City Council, 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; 6. Prior to Preliminary Plat approval by the City Council, 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; 7. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow Cavern Road and Cavern Crest Court to serve 12 lots and five lots, respectively, in lieu of four lots or the plat document shall be revised accordingly; 8. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow Cavern Crest Court as an 1,800 foot long cul-de-sac street with no intermediate turnarounds in lieu of a maximum 500 foot long cul-de-sac street with intermediate turnarounds every 600 feet or the plat document shall be revised accordingly; 9. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow access to proposed Lot 1R from S.D. Highway 44 West in lieu of Cavern Crest Court, the lesser order street, or the plat document shall be revised accordingly; 10. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow two driveways in lieu of one driveway to proposed Lot 2ER or one of the approaches shall be eliminated and the plat document revised to show a non-access easement accordingly; 11. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow the landing at the intersection of Cavern Crest Court and Cavern Road to exceed 5% for the first 50 feet or road construction plans shall be submitted for review and approval showing the landing in compliance with the Street Design Criteria Manual; 12. Prior to submittal of a Final Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided; 13. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide for street maintenance and snow removal. In particular, an agreement with Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal; or evidence shall be submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1; or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services; 14. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented; 15. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along S.D. Highway 44 West or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting

screen easement shall not conflict with utility easement(s); 16. 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; 17. 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

LaCroix moved, second by Hurlbut and carried to approve with a revised legal description (No. 07VR008), a request by Thomas J. Farrar for a **Vacation of Right-of-way** on Lot H-1 and H-2 of LotB of Lot 1 in the NW1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Century Road and East North Street.

LaCroix moved, second by Chapman and carried that (No. 07VR009), a **Vacation of Section Line Highway** for petitioner Dream Design International, Inc. on Lot 1 of Word of Hope Subdivision, located in the NE1/4 SE1/4, lying southeast of Elk Vale Road, 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, more generally described as being located west side of Jolly Lane at the north end between Jolly Lane cul-de-sac and curve in Elk Vale Road be continued to the September 4, 2007 Council meeting.

For discussion purposes, Hadcock moved, second by Okrepkie to (No. LF081507-12), confirm the appointment of Dan Dryden, Bob Brandt, Norbert Sebade, and Mike Tennyson to the Committee to Review Tax Increment Financing Guidelines. Alderman Johnson believed a developer, knowledgeable in tax increment financing, would be beneficial to the committee. Motion carried.

Hadcock moved, second by Olson to (No. LF081507-08), approve the acceptance of a grant from South Dakota Department of Public Safety for Safe Streets Initiative. Alderman Chapman extended his appreciation to the Journal in their publishing information about the grant. Responding to a question from Alderman Chapman, Elkins indicated that there was an earmark that was attached for the City that was specific for greenway/pedestrian/bike path expansion. She indicated that there was some funding identified in the 2012 as a potential match. She explained that this is a five-year process where the City will receive the funds, and there is a four-year allocation that is available and the fifth is pending. Elkins suggested the Council consider a task force to receive proposals. Motion carried.

Hadcock moved, second by Hurlbut and carried to (No. 07TP016) approve the final **Rapid City Area Transportation Improvement Program** (Fiscal Years 2008-2012) with revisions.

Hadcock moved, second by Olson to authorize the Pennington County Auditor's Office to conduct special election on September 18, 2007. Responding to a question from Alderman Chapman, Preston indicated that the City's best estimate is \$33,000; and asked the Council to identify a funding source. Responding to a question from Alderman Johnson, Preston indicated that the election costs have risen because of new equipment purchases that tabulate the election ballots; and because the County Auditor's Office is conducting the elections.

Substitute motion was made by Olson, second by Kooiker to authorize the Pennington County Auditor's Office to conduct special election on September 18, 2007; and to allocate \$33,000 from Council Contingency for the special election. Motion carried.

Hadcock moved, second by Hurlbut to (No. LF081507-17), authorize the Mayor and Finance Officer to sign a Grant Agreement with the South Dakota Department of Health Preparedness and Response to receive funding for Emergency Mosquito Control. Mayor Hanks extended his appreciation to the Governor and his staff in providing this grant to the City and the citizens. Motion carried.

Hadcock moved, second by Hurlbut and carried to (No. LF081507-07), authorize the Mayor and Finance Officer to sign a Contract for Private Development Tax Increment District No. 63 between Copperfield Vistas, LLP and the City of Rapid City.

LaCroix moved, second by Johnson and carried to open public comment on Items 52 - 62. Bryan Vulcan, Four Front Design, Inc. addressed items #58 (07TI009) and #59 (07TI010) indicating that he is available for questions. Steven Brenden, Rapid City addressed items #57 (LF080107-35), #58 (07TI009), #59 (07TI010), and #60 (07TI014) indicating concern that as development project plans are continually revised and project costs increase, developers return to the City asking for more funding; and questioned whether this particular TID met the definition of blight. Fred Weishaupl, Rapid City addressed items #58 (07TI009) and #59 (07TI010) suggesting the TID did not meet the definition of blight; the TID is not an economic development; the City should participate in the enlargement of the drainage pond and traffic signal on Elk Vale Road; the relocation of an irrigation ditch is not a viable expense; and indicated that the interest financing cost is exorbitant. Michael Small, Midland Atlantic, Cincinnati, OH addressed items #57 (LF080107-35) and #60 (07TI014) indicating his availability to answer questions. Brendon Casey, President of Epic Outdoor Advertising addressed item #62 (CC080607-03) indicating his opposition to the appeal of the sign requirements and gave a little history on the adoption of the sign code. Casey indicated that the sign code should be revised if Lamar continually requests variances. He asked the Council to deny the appeal. Terry Olson, Lease Manager for Lamar Advertising addressed item #62 (CC080607-03) indicating that the State asked them to remove the billboard for the Catron Blvd. widening; and the billboard was removed prior to the land being annexed into the City. He indicated that should the land have remained in the County, Lamar could have rebuilt the billboard 1,200 SF, unlimited height, unlimited size and 300 feet spacing. He indicated they propose to go 10-6-36, which is 378 SF, asked to go 45 feet above ground grade and 555 feet spacing between signs. Olson suggested the sign code should be revised relative to height and the ground grade. Olson suggested that if they are not able to rebuild the billboard, they will be forced to take condemnation money from the State. Bob Lewis, President of Elks Country Estates Homeowners Association addressed item #59 (07TI010) indicating that there are over 200 homes in this area and there is a need for a second access. Chapman moved, second by LaCroix and carried to close public comment on Items 52 - 62.

### **NON-CONSENT ITEMS** – Items 52 - 62

### **ORDINANCES**

Ordinance No. 5322 (No. LF081507-06), Amending the General Penalty for an Unlawful Act by Amending Section 1.12.010 of the Rapid City Municipal Code was introduced. Hadcock moved,

second by Okrepkie and carried that Ordinance No. 5322 be placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, September 4, 2007.

Ordinance No. 5324 (No. LF081507-02), to Establish the Department of Community Resources by Adding Chapter 2.24 to the Rapid City Municipal Code was introduced. Hadcock moved, second by Hurlbut and carried that Ordinance No. 5324 be placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, September 4, 2007.

Ordinance No. 5325 (No. LF081507-04), to Modify the Qualifications for the Members of the Rapid City Regional Airport Board by Amending Section 2.72.020 of the Rapid City Municipal Code was introduced. Hadcock moved, second by Olson and carried that Ordinance No. 5325 be placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, September 4, 2007.

Ordinance No. 5326 (No. LF081507-09), Regarding 2008 Appropriation Ordinance was introduced. Hadcock moved, second by Olson and carried that Ordinance No. 5326 be placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, September 4, 2007.

Ordinance No. 5314 (No. LF080107-14), Regarding Supplemental Appropriation No. 3 for 2007 having passed first reading on August 6, 2007; Hadcock moved, second by Olson that the title be read the second time. The following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Okrepkie, Chapman, Weifenbach, Olson, Kroeger, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5314 was declared duly passed upon its second reading.

### **LEGAL & FINANCE COMMITTEE ITEMS**

The Mayor presented No. LF080107-35, a request for \$1,806,000 for the Rushmore Crossing on-site oversizing and off-site water and sewer main project costs from the .16 Utility Fund with the repayment of the .16 Fund from the Tax Increment District #56 Project Plan to include a standard rate of interest. Johnson moved, second by Kroeger to approve the request. In response to a question from Alderman Kooiker, Michael Small, Midland Atlantic indicated that the change is due to a change in the project scope. Originally, the decision was made to give back the .16 Funds that the previous developed accepted, and work off the TIF funds. The scope of the project has changed to the extent that more funds are necessary. The scope has change for Eglin Street and the surrounding roads. He indicated that the .16 Funds will be used for the off-site sewer and off-site water mains and any oversizing on-site. Alderman Johnson reminded the members that the off-site sewer and water benefit the district and the loan from the .16 Fund will be recovered from the tax increment financing. Alderman Hadcock indicated her opposition to the request. She questioned whether those properties within 400 feet of the sewer main will be required to hook up to the sewer. Hadcock pointed out that there are many other improvements within the City that need to be addressed. Elkins indicated the off-site improvements are necessary for the project. The connections are from East North Street, Lowry Lane and to the lift station on Elk Vale Road. Elkins, in response to a question from Alderman Olson, indicated that some of the issues relate to the street configuration in front of the project. Responding to a question from Alderman Okrepkie, Small indicated he was not certain how the project will move forward if the request is not approved. Alderman Johnson indicated that tax increment financing is paying for the City's investment, and the money will be repaid with

interest. He pointed out that the oversizing costs are the responsibility of the City. Alderman Kooiker indicated that the developers have opened bids for Eglin Street and privately funded site grading and the costs are higher than the budgeted amount of the developers. Because of this, he pointed out the developers are requesting money from .16 Fund for the sewer. Kooiker asked the Council not to approve the request because he believed it was irresponsible. Upon a roll call vote on the motion to approve, the following voted AYE: LaCroix, Johnson, Hurlbut, Okrepkie, Weifenbach, Olson, and Kroeger; NO: Hadcock and Kooiker; ABSTAINING: Chapman. Motion carried.

The Mayor presented No. 07TI009, a request by Dream Design International, Inc. for Zandstra Real Estate Holdings to consider an application for a **Resolution Creating a Tax Increment District** on Tract 1 of the E1/2 of Section 16 less Elks Country Estates and the SW1/4 of Section 16 less Plum Creek Subdivision, all located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the N1/2N1/2NE1/4NW1/4 and the N1/2N1/2NW1/4NE1/4 and the E1/2NE1/4, all located in Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota., more generally described as being located south and west of Elks Country Estates and east of Elk Vale Road. Hadcock moved, second by Hurlbut and carried to continue to the September 4, 2007 Council meeting.

The Mayor presented No. 07TI010, a request by Dream Design International, Inc. for Zandstra Real Estate Holdings to consider an application for a **Tax Increment District Project Plan** on Tract 1 of the E1/2 of Section 16 less Elks Country Estates and the SW1/4 of Section 16 less Plum Creek Subdivision, all located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the N1/2N1/2NE1/4NW1/4 and the N1/2N1/2NW1/4NE1/4 and the E1/2NE1/4, all located in Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota., more generally described as being located south and west of Elks Country Estates and east of Elk Vale Road. Hadcock moved, second by Hurlbut and carried to continue to the September 4, 2007 Council meeting.

The Mayor presented No. 07TI014, a request by Dream Design International, Inc. to consider an application for a **Revision to the Tax Increment District No. 56 Project Plan** on that portion of the Interstate 90 right-of-way lying in the SE1/4 NE1/4 and in the NE1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Interstate 90 right-of-way located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Interstate 90 right-of-way located in the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract F, Marshall Heights Subdivision No. 2 and the Interstate 90 right-of-way lying south of and adjacent to Tract F, Marshall Heights Subdivision No. 2, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the East Disk Drive right-of-way lying east of North LaCrosse Street located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot K-4 less Lot H-1, Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2 and the south 1/2 of the vacated alley and Pine Street right-of-way adjacent to said lots, Block 2, Rapps Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Farnwood Avenue right-of-way, entire Spruce Street right-of-way, and entire Rapp Street right-of-way all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the North LaCrosse Street right-of-way lying adjacent to Lot K-4 of Marshall Heights Tract and Lot 1 of Bedco Subdivision and including the entire intersection of North

LaCrosse Street and Rapp Street, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 located in N1/2 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Unplatted portion of the N1/2 SE1/4 lying south of Interstate 90, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2, Bedco Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, SE1/4 SE1/4 lying north of the railroad right-of-way and the unplatted portion of the SW1/4 SE1/4 all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the S1/2 lying south of Interstate 90 and north of the railroad right-of-way, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the NE1/4 NW1/4 and N1/2 NE1/4 lying north of the railroad right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the Dyess Avenue right-of-way lying in the S1/2 SW1/4 and the entire intersection of Dyess Avenue and Eglin Street all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of LaCrosse Street and south of U.S. Interstate 90. The following resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION APPROVING THE THIRD REVISED PROJECT PLAN FOR TAX INCREMENT DISTRICT NUMBER FIFTY-SIX 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 Fifty-Six; and

WHEREAS this Third Revised Project Plan will replace the Second Revised Project Plan previously approved by the City Council on March 19, 2007; 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 Tax Increment District includes commercially zoned property thereby forming an economic development Tax Increment District; and

WHEREAS the Third Revised Project Plan submitted helps make this development feasible by assisting in the development of public improvements to serve Rushmore Crossing and other adjacent areas of development; and

WHEREAS the Third Revised Project Plan submitted will assist with additional Farnwood/Eglin Street Costs by reducing the Relocation of Power Lines Costs, the Necessary and Convenient Costs, and the Financing Interest Costs, and will reallocate from the developer to the City the oversizing and off-site Water and Sewer Main Costs to include a standard rate of interest to be funded by the .16 Utility Fund; 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 Third Revised Project Plan for this Tax Increment District which proposes this improvement; and

WHEREAS the Council has considered the Third Revised Project Plan submitted by the Planning Commission and determined that the Third Revised Project Plan for Tax Increment District Fifty-Six is economically feasible; and

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

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

Dated this 20<sup>th</sup> day of August, 2007.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

The motion for the adoption of the foregoing resolution was second by Hurlbut. The following voted AYE: LaCroix, Johnson, Hurlbut, Okrepkie, Weifenbach, Olson, and Kroeger; NO: Hadcock and Kooiker; ABSTAINING: Chapman; whereupon said resolution was declared duly passed and adopted.

Hadcock moved, second by Hurlbut to request the Mayor to appoint a Task Force to consider noise ordinance amendments. Responding to a question from Alderman Olson, City Attorney Green indicated that his thought would be those broad encompassing issues would be addressed by the task force. He indicated that this issue is prompted by a complaint from a business about another. Alderman Johnson pointed out that when the City over-regulates things, they regulated more problems that are brought before the Council. Alderman Kooiker recommended the Council define the scope before proceeding. Alderman Olson suggested that this be approached as a downtown issue and handle business to business kind of noise ordinance as it relates directly to the City center and their capability of operating their business.

Olson offered an amendment, and seconded, that the scope of noise ordinance be limited to the City center businesses and residential noise issues. Alderman LaCroix pointed out that there is an existing noise ordinance.

Second substitute motion was made by Hurlbut to refer the noise ordinance amendments to the Downtown Revitalization Task Force. Second by Kooiker. Motion carried with Johnson voting NO.

**COUNCIL ITEMS & LIAISON REPORTS**

Alderman Hurlbut addressed the airing of the Council meetings on the public access channel and indicated that the Council meetings are no longer readily available for viewing. Chief Shepherd reported that currently the Fire Department is broadcasting MidContinent Communication Channel 98 and PrairieWave Channel 77. He indicated that the evening hour viewing schedule has not changed, and the scheduled is posted on the City's website. Alderman Hurlbut asked that the time-stamp on the video be enlarged. Shepherd explained that the Channel 98 is used during day-time hours for emergency training and PSA's are aired because the meetings are aired on an hour or half-hour increment.

**STAFF ITEMS**

Finance Officer Preston extended his appreciation to everyone for the cards, flowers, gifts, phone calls, e-mails, personal visits, thoughts and prayers during the time that he was hospitalized and at home convalescing.

**APPEALS - Sign Code Appeals**

The Mayor presented No. CC080607-03, a Notice of Appeal from the Requirements of the Rapid City Sign Ordinance, Chapter 15.28 as requested by Lamar Advertising for an Off-Premise sign on Lot 1B, North 80 Subdivision, Section 19, T1N, R8E, BHM, Pennington County, South Dakota, located on South Hwy. 79.

Hadcock moved, second by Chapman to deny the request. In the interest of being fair, Alderman Okrepkie indicated his opposition to denying the request. Since the time of the sign removal, Alderman Hadcock indicated that the County has changed their sign regulations. Responding to an inquiry from Alderman Johnson, Green indicated that a prior situation prompted the Council to enact a provision in the sign code that specifically addresses condemned signs. Part of the provision of the ordinance requires the governmental agency that is to do the condemnation to come in and request that the Council authorize the exception beforehand. In this instance, the provision of the code is not applicable. Alderman Hurlbut indicated his interest in addressing signage along the Catron Blvd. corridor. Responding to a question from Alderman Chapman, Elkins indicated that Lamar is asking for an exception to the size that will exceed the square footage that is allowed; change the separation between signs; and increase the height beyond what is allowed. Elkins indicated that Lamar could comply with two of the requirements, but the spacing is an issue. She indicated that Lamar would require a variance from the Sign Code Board for the spacing. Alderman Olson believed that the requirements need to be followed, and offered support for the denial. City Attorney Green indicated that the code allows another government agency to come and ask for permission to condemn and replace a sign; but requires that the new sign comply with the height and size restrictions.

Substitute motion was made by Johnson, second by Okrepkie to uphold the sign code and allow the variance for the spacing. Responding to a question from Alderman Kooiker, Terry Olson, Lamar Advertising indicated that no LED sign is proposed at this location.

Amendment to the substitute motion was offer by Kooiker, and seconded that as a condition of the approval of the spacing variance that an LED not be allowed. Responding to a question

from Alderman Okrepkie, Terry Olson indicated that this will not meet their needs. He indicated that he would comply with the 30 foot height as long as it is measured from the road grade.

At the request of Alderman Hurlbut to speak a third time, Johnson moved, second by Hadcock to allow each members to speak a third time to the issue. Motion carried with Olson voting NO.

Alderman Hurlbut indicated his concern with the amendment because the revisions to the code were intended to address the installation of LED signs. He believed it inappropriate to pick and choose which signs will be LED signs.

Upon a roll call vote on the amendment, the following voted AYE: Johnson, Hadcock, Okrepkie, Chapman, Weifenbach, Olson, Kroeger, Kooiker, and LaCroix; NO: Hurlbut. Motion carried.

Upon a roll call vote on the substitute motion as amended, the following voted AYE: Okrepkie, Kroeger, Kooiker, and Johnson; NO: Hadcock, Hurlbut, Chapman, Weifenbach, Olson, and LaCroix. Motion failed.

Upon a vote being taken on the motion to deny, motion carried with Johnson and Okrepkie voting NO.

#### **PUBLIC HEARING ITEMS** – Items 63 - 118

Hadcock moved, second by Olson and carried to open the public hearing on Items 63 - 118. Robert Pagen, Rapid City addressed item #85 (07SV033) asking the Council to consider item #77 (07PL082) in conjunction with related items.

#### **CONTINUED PUBLIC HEARING CONSENT ITEMS** – Items 63 - 91

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

85. No. 07SV033 - A request by Homer and Kathy Berger for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water, sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots BR and C of Tract 1 in H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot B of Tract 1 of H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, located at 15010 E. Highway 44.

85A. Authorize the Mayor and Finance Officer to sign the waiver of right to protest any future assessment for the installation of curb, gutter, street light conduit, sidewalk, water and sewer along the section line highway, and curb, gutter, street light conduit, water, sewer, and additional pavement along South Dakota Highway 44. (07SW033)

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

#### ***Continue the following items until September 4, 2007:***

63. 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.

64. 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.
65. 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.
66. 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, Catron Crossing Subdivision 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.
67. 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.
68. 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.

69. 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.
70. No. 07AN003 - A request by Sperlich Consulting, Inc. for Ronald Shape for a **Petition for Annexation** on the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located at the eastern terminus of Homestead Street and west of Reservoir Road.
71. No. 07CA032 - A request by CETEC Engineering Services, Inc. for OS Development for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Low Density Residential** on a tract of land located in the S1/2 NE1/4, SE1/4 of Section 22 and the NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N87°48'47"W 33.00 feet along the South line of the NE1/4 of said Section 27 to the True Point of Beginning, said point being monumented with a rebar and plastic cap stamped LS 6014; Thence N87°48'47"W 2615.84 feet along the South line of the NE1/4 of Section 27 to the Center 1/4 Corner of said section, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014; Thence N01°59'29"E 2618.24 feet along the West line of the NE1/4 of Section 27 to the North 1/4 Corner of Section 27, said point being monumented with a brass cap and iron pipe; Thence N02°02'30"E 2672.71 feet along the West line of the SE1/4 of said Section 22 to the Center 1/4 Corner, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014; Thence N02°02'19"E 228.09 feet along the West line of the S1/2 NE1/4 of Section 22 to a point; Thence N88°48'27"E 1290.24 feet to the beginning point of a non-tangent curve concave to the northeast having a radius of 800.00 feet and a chord bearing of S23°50'50"E; Thence along said curve a distance of 514.07 feet; Thence S42°15'21"E 321.74 feet to the beginning of a curve concave to the southwest having a radius of 1006.00 feet; Thence along said curve a distance of 685.41 feet; Thence S87°56'04"E 84.31 feet to the northwest corner of the Bradeen Subdivision, said point being monumented with an iron rod; Thence S02°05'22"W 986.21 feet along the West line of the Bradeen Subdivision to the southwest corner of the Bradeen Subdivision, said point being monumented with a rebar and plastic cap, stamped LS 6014; Thence N87°56'54"W 84.32 feet to the beginning point of a non-tangent curve concave to the northwest having a radius of 1006.00 feet and a chord bearing of S19°44'46"W; Thence along said curve a distance of 433.45 feet; Thence S32°05'22"W 250.68 feet to the beginning point of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of S80°10'07"E; Thence along said curve a distance of 349.46 feet to a point on the North line of the NE1/4 of said Section 27; Thence S88°27'49"E 515.34 feet along said line to a point from which the Northeast Corner of Section 27 bears S88°27'49"E 33.00 feet, said point being

monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence  $S02^{\circ}00'19''W$  2647.94 feet to the True Point of Beginning, less a tract of land, designated as Tract B, located in the NW1/4 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears  $N41^{\circ}22'55''W$  49.48 feet, the second bears  $N35^{\circ}10'06''E$  42.14 feet; Thence  $N34^{\circ}57'40''W$  2433.52 feet to the True Point of Beginning; Thence  $N39^{\circ}20'03''E$  186.87 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 800.00 feet and a chord bearing of  $N31^{\circ}18'22''W$ ; Thence along said curve a distance of 553.18 feet; Thence  $S42^{\circ}01'34''W$  152.10 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet; Thence  $S20^{\circ}00'00''W$  105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of  $S58^{\circ}54'00''E$ ; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the Center 1/4 corner of said Section 27 bears  $S33^{\circ}29'08''W$  a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014, located west of the intersection of Reservoir Road and Southside Drive.

72. No. 07CA035 - A request by CETEC Engineering Services, Inc. for OS Development for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Neighborhood Commercial with a Planned Commercial Development** on a tract of land located in the SE1/4 SE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the Southeast Corner of said Section 22, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence  $N88^{\circ}27'49''W$  33.00 feet along the South line of the SE1/4 SE1/4 of said Section 22 to the True Point of Beginning; Thence  $N88^{\circ}27'49''W$  336.56 feet along the South line of the SE1/4 SE1/4; Thence  $N02^{\circ}02'59''E$  672.03 to a point along the South line of the Bradeen Subdivision; Thence  $S87^{\circ}56'54''E$  337.08 along said South line to the southeast corner of the Bradeen Subdivision, said point being monumented with an iron rod; Thence  $S02^{\circ}05'45''W$  669.00 feet to the Point of Beginning, from which the South 1/4 corner of said Section 22 bears  $N88^{\circ}27'49''W$  a distance of 2616.56 feet, said point being monumented with a brass cap and iron pipe, located west of the intersection of Reservoir Road and Southside Drive.
73. 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.
74. No. 07PL062 - A request by Boschee Engineering for Scott and Janice Zandstra for a **Preliminary Plat** on Lot 1 of Block 1 of Paradise Pines Subdivision, located in the SW1/4 of the SE1/4, Section 7; and the NW1/4 of the NE1/4, Section 18, T1S, R7E, BHM,

Pennington County, South Dakota, legally described as Lot 2E, less Right-of-way of the SW1/4 of the SE1/4, Section 7, T1S, R7E, BHM; and a portion of the NW1/4 of the NE1/4, Section 18, T1S, R7E, BHM, Pennington County, South Dakota, located southwest of the intersection of Wilderness Canyon Road and U.S. Highway 16.

75. No. 07PL079 - A request by Fisk Land Surveying & Consulting Engineers for Joe L. Ratigan for a **Preliminary Plat** on Lots 1 and 2 of Ratigan Subdivision, located in the NE1/4 NE1/4 NE1/4 and SE1/4 NE1/4 NE1/4 of Section 14, T1N, R6E, BHM, Pennington County, South Dakota, legally described as the NE1/4 NE1/4 NE1/4 and SE1/4 NE1/4 NE1/4 of Section 14, T1N, R6E, BHM, Pennington County, South Dakota, located at 8115 West Highway 44.
76. No. 07PL081 - A request by Centerline, Inc. for Action Development, Inc. for a **Preliminary Plat** on Lot 1 of Anamosa Crossing Subdivision, located in the NW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 1 of Century 21 Subdivision, located in the NW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of E. North Street and proposed E. Anamosa Street.
77. No. 07PL082 - A request by Homer and Kathy Berger for a **Preliminary Plat** on Lots BR and C of Tract 1 in H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot B of Tract 1 of H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, located at 15010 E. Highway 44.
78. No. 07PL083 - A request by Mike Hanson for Tyz Thurston for a **Preliminary 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.
79. No. 07PL096 - A request by Sperlich Consulting, Inc. for Ronald Shape for a **Layout Plat** on Lots 1 thru 6 of Block 1, Lots 1 thru 9 of Block 2, Lots 1 thru 8 of Block 3, Lots 1 thru 19 of Block 4, Lots 1 thru 14 of Block 5, Lots 1 thru 23 of Block 6, Lots 1 thru 15 of Block 7, Lots 1 thru 15 of Block 8, Lots 1 thru 13 of Block 9, Lots 1 thru 12 of Block 10, Homestead Subdivision, located in the SE1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located at the eastern terminus of Homestead Street and west of Reservoir Road.
80. No. 07PL097 - A request by Jared Tordsen for Land and Marine Developments, Inc. for a **Preliminary Plat** on Lots 15 thru 21 of Rockin Ranch Estates, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the N1/2 of the NE1/4 of the SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of the existing Hovering Heights Court and Bunker Drive.

81. No. 07RZ050 - Second Reading, Ordinance No. 5312, 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 Neighborhood Commercial District to General Commercial District** on the west 250 feet of Lot 2 of Hansen Heights, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 320 East St. Patrick.
82. No. 07RZ052 - Second Reading, Ordinance No. 5316, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by CETEC Engineering Services, Inc. for OS Development for a **Rezoning from No Use District to Low Density Residential District** on a tract of land located in the S1/2 NE1/4, SE1/4 of Section 22 and the NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N87°48'47"W 33.00 feet along the South line of the NE1/4 of said Section 27 to the True Point of Beginning, said point being monumented with a rebar and plastic cap stamped LS 6014; Thence N87°48'47"W 2615.84 feet along the South line of the NE1/4 of Section 27 to the Center 1/4 Corner of said section, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014; Thence N01°59'29"E 2618.24 feet along the West line of the NE1/4 of Section 27 to the North 1/4 Corner of Section 27, said point being monumented with a brass cap and iron pipe; Thence N02°02'30"E 2672.71 feet along the West line of the SE1/4 of said Section 22 to the Center 1/4 Corner, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014; Thence N02°02'19"E 228.09 feet along the West line of the S1/2 NE1/4 of Section 22 to a point; Thence N88°48'27"E 1290.24 feet to the beginning point of a non-tangent curve concave to the northeast having a radius of 800.00 feet and a chord bearing of S23°50'50"E; Thence along said curve a distance of 514.07 feet; Thence S42°15'21"E 321.74 feet to the beginning of a curve concave to the southwest having a radius of 1006.00 feet; Thence along said curve a distance of 685.41 feet; Thence S87°56'04"E 84.31 feet to the northwest corner of the Bradeen Subdivision, said point being monumented with an iron rod; Thence S02°05'22"W 986.21 feet along the West line of the Bradeen Subdivision to the southwest corner of the Bradeen Subdivision, said point being monumented with a rebar and plastic cap, stamped LS 6014; Thence N87°56'54"W 84.32 feet to the beginning point of a non-tangent curve concave to the northwest having a radius of 1006.00 feet and a chord bearing of S19°44'46"W; Thence along said curve a distance of 433.45 feet; Thence S32°05'22"W 250.68 feet to the beginning point of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of S80°10'07"E; Thence along said curve a distance of 349.46 feet to a point on the North line of the NE1/4 of said Section 27; Thence S88°27'49"E 515.34 feet along said line to a point from which the Northeast Corner of Section 27 bears S88°27'49"E 33.00 feet, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence S02°00'19"W 2647.94 feet to the True Point of Beginning, less a tract of land, designated as Tract B, located in the NW1/4 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having

two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 186.87 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 800.00 feet and a chord bearing of N31°18'22"W; Thence along said curve a distance of 553.18 feet; Thence S42°01'34"W 152.10 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the Center 1/4 corner of said Section 27 bears S33°29'08"W a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014, located west of the intersection of Reservoir Road and Southside Drive.

83. No. 07RZ055 - Second Reading, Ordinance No. 5319, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by CETEC Engineering Services, Inc. for OS Development for a **Rezoning from No Use District to Neighborhood Commercial District** on a tract of land located in the SE1/4 SE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the Southeast Corner of said Section 22, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence N88°27'49"W 33.00 feet along the South line of the SE1/4 SE1/4 of said Section 22 to the True Point of Beginning; Thence N88°27'49"W 336.56 feet along the South line of the SE1/4 SE1/4; Thence N02°02'59"E 672.03 to a point along the South line of the Bradeen Subdivision; Thence S87°56'54"E 337.08 along said South line to the southeast corner of the Bradeen Subdivision, said point being monumented with an iron rod; Thence S02°05'45"W 669.00 feet to the Point of Beginning, from which the South 1/4 corner of said Section 22 bears N88°27'49"W a distance of 2616.56 feet, said point being monumented with a brass cap and iron pipe, located west of the intersection of Reservoir Road and Southside Drive.
84. No. 07SV022 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Alan A. Neiger for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, and to reduce the pavement width from 26 feet to 21 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 Revised and Lot of Block 5 of Highland Park Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 5 (less Lot H1) and the balance of Block 5 of Highland Park Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Highland Park Drive and Mount Rushmore Road.
86. No. 07SV039 - A request by Sperlich Consulting, Inc. for Ronald Shape for a **Variance to the Subdivision Regulations to waive the requirement to dedicate a planting screen easement, to allow platting half of a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1

thru 6 of Block 1, Lots 1 thru 9 of Block 2, Lots 1 thru 8 of Block 3, Lots 1 thru 19 of Block 4, Lots 1 thru 14 of Block 5, Lots 1 thru 23 of Block 6, Lots 1 thru 15 of Block 7, Lots 1 thru 15 of Block 8, Lots 1 thru 13 of Block 9, Lots 1 thru 12 of Block 10, Homestead Subdivision, located in the SE1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located at the eastern terminus of Homestead Street and west of Reservoir Road.

87. 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.

***Continue the following items until September 17, 2007:***

88. No. 07CA023 - A request by Scull Construction for Whittingham & Lestrangle, LPI for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development** on a parcel of land located in the NE1/4 SW1/4 in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, described as follows: commencing at the rear lot corner common to Lots 3 and 4 of Block 1 of Tower Ridge 2 Subdivision, rebar with a survey cap stamped LS 6117, Thence S25°59'34"E a distance of 55.29' to the point of beginning; Thence First Course: along a line with a bearing of N00°00'38"E and a distance of 355.70; Thence Second Course: along a line with a bearing of S10°41'47"E and a distance of 590.96 feet; to an intersection with the northerly line of Lot 5 of Block 1 of Tower Ridge 2 Subdivision; Thence Third Course: along said Lot 5 and the northerly line of Lot 4 of Block 1 of Tower Ridge 2 Subdivision with a bearing of N25°59'34"W and a distance of 250.40 feet to the Point of Beginning, located northeast of Table Rock Road.
89. No. 07PL067 - A request by Scull Construction for Whittingham & Lestrangle, LPI for a **Preliminary Plat** on Tracts 1 thru 3 of Block 1, Lot 1, Lot 3 and Lot 4 of Block 2 of Tower Ridge 2; Tract B Revised, Lot 1 and Lot 2 of Tract AR2 of Needles Subdivision, Lot 1 and Lot 2 of Tract A of Meadow View Subdivision; Promise Road Right-of-Way; Dakota Canyon Road Right-of-Way; all located in the SW1/4 of Section 23 and in the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted portion of the SW1/4 of Section 23; the remainder of Lots 2 and 3 of Block 2 and a portion of Silver Nugget Drive Right-of-Way of Aladdin Heights Subdivision; Lots 1 thru 4, a portion of Lots 5 thru 7, Lots 8 thru 12 of Block 1 and Tablerock Road Right-of-Way of Tower Ridge 2 in Section 23; Lot H3 in Section 23 and Lot H4 in Section 26 (Promise Road Right-of-Way); Lot 1 of Shipman Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract a of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.

90. No. 07RZ043 - Second Reading, Ordinance No. 5305, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Scull Construction for Whittingham & Lestrage, LPI for a **Rezoning from Park Forest District to General Commercial District** on a parcel of land located in the NE1/4 SW1/4 in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, described as follows: commencing at the rear lot corner common to Lots 3 and 4 of Block 1 of Tower Ridge 2 Subdivision, rebar with a survey cap stamped LS 6117, Thence S25°59'34"E a distance of 55.29' to the point of beginning; Thence First Course: along a line with a bearing of N00°00'38"E and a distance of 355.70; Thence Second Course: along a line with a bearing of S10°41'47"E and a distance of 590.96 feet; to an intersection with the northerly line of Lot 5 of Block 1 of Tower Ridge 2 Subdivision; Thence Third Course: along said Lot 5 and the northerly line of Lot 4 of Block 1 of Tower Ridge 2 Subdivision with a bearing of N25°59'34"W and a distance of 250.40 feet to the Point of Beginning, located northeast of Table Rock Road.
91. No. 07SV026 - A request by Scull Construction for Whittingham & Lestrage, LPI for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts 1 thru 3 of Block 1, Lot 1, Lot 3 and Lot 4 of Block 2 of Tower Ridge 2; Tract B Revised, Lot 1 and Lot 2 of Tract AR2 of Needles Subdivision, Lot 1 and Lot 2 of Tract A of Meadow View Subdivision; Promise Road Right-of-Way; Dakota Canyon Road Right-of-Way; all located in the SW1/4 of Section 23 and in the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted portion of the SW1/4 of Section 23; the remainder of Lots 2 and 3 of Block 2 and a portion of Silver Nugget Drive Right-of-Way of Aladdin Heights Subdivision; Lots 1 thru 4, a portion of Lots 5 thru 7, Lots 8 thru 12 of Block 1 and Tablerock Road Right-of-Way of Tower Ridge 2 in Section 23; Lot H3 in Section 23 and Lot H4 in Section 26 (Promise Road Right-of-Way); Lot 1 of Shipman Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-Way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-Way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract A of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.

#### END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

The Mayor presented No. 07SV033, a request by Homer and Kathy Berger for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water, sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots BR and C of Tract 1 in H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot B of Tract 1 of H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, located at 15010 E. Highway 44. Johnson moved, second by Chapman and carried that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along S.D. Highway be approved with the following stipulation: 1. Prior to approval by Council the applicant shall sign a waiver of right to

protest future assessments. That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, and sewer along the section line highway be approved with the following stipulation: 1. Prior to approval by Council the applicant shall sign a waiver of right to protest future assessments. That the Variance to the Subdivision Regulations to waive the requirement to install pavement along the section line highway be denied.

LaCroix moved, second by Okrepkie and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest any future assessment for the installation of curb, gutter, street light conduit, sidewalk, water and sewer along the section line highway, and curb, gutter, street light conduit, water, sewer, and additional pavement along South Dakota Highway 44. (07SW033)

Chapman moved, second by Okrepkie and carried to reconsider item #77 No. 07PL082, a request by Homer and Kathy Berger for a **Preliminary Plat** on Lots BR and C of Tract 1 in H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot B of Tract 1 of H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, located at 15010 E. Highway 44.

Chapman moved, second by Okrepkie and carried that No. 07PL082, a request by Homer and Kathy Berger for a **Preliminary Plat** on Lots BR and C of Tract 1 in H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot B of Tract 1 of H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, located at 15010 E. Highway 44 be approved with the following revised stipulations: 1. Prior to Preliminary Plat approval by the Planning Commission the applicant shall obtain a Lot Size Variance from Pennington County for proposed Lot C; 2. Prior to Preliminary Plat approval by the City Council, road construction plans for the portion of section line highway that abuts Lot BR shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, pavement, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, road construction plans for S.D. Highway 44 shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, pavement, sidewalk, water, sewer, and street light conduit or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to Preliminary Plat approval by the City Council the plat document shall be revised to identify 49 feet of right-of-way along the portion of section line highway that abuts proposed Lot BR, or a Variance to the Subdivision Regulations shall be obtained; 5. Upon submittal of a Final Plat the plat document shall be revised to add a note stating that if sufficient fire flows cannot be met that all habitable structures shall be sprinklered; 6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; or a Variance to the Subdivision Regulations shall be obtained; 7. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; 8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 9. Prior to submittal of a Final Plat the applicant shall submit for review and approval construction plans identifying pavement along the section line highway, where the Lot BR abuts the section line highway.

At this time, the Chair accepted comments from Michael Stanley, Dream Design International, who addressed items #96 (07CA008) and #113 (07RZ012) indicating that the applicant has submitted the application for a Planned Development Designation; #97 (07CA030) and #114 (07RZ051) indicating that they do not feel that is an appropriate overlay; and because the developer is intending to close on the lots and under a heavy industrial use, a Planned Development Designation is not allowed and ordinance amendment would be required. Steven Brenden, Rapid City, addressed items #96 (07CA008) and #113 (07RZ012) indicating that a rezone to General Commercial may impact traffic volumes on Elk Vale Road, and #115 (07RZ053) indicating support. Tyz Thurston, Rapid City, addressed item #108 (07SV034) explaining that she is subdividing a lot and the City is requiring her to connect to the City's sewer main at a cost of \$25,820. She indicated that she would be willing to connect to the City's sewer system should their septic system fail, and requested a variance.

Chapman moved, second by Okrepkie and carried to close the public hearing on Items 63 -118.

### **CONSENT PUBLIC HEARING ITEMS** – Item 92 - 95

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

### **ALCOHOL LICENSES**

92. **Rapid City Fine Arts Center, Inc.** for a special Beer & Wine License for an event scheduled September 21, 2007 at the Dahl Arts Center, 713 7<sup>th</sup> Street
93. **Rapid City Fine Arts Center, Inc.** for a special Beer & Wine License for an event scheduled September 23, 2007 at the Dahl Arts Center, 713 7<sup>th</sup> Street
94. **Rapid City Fine Arts Center, Inc.** for a special Beer & Wine License for an event scheduled October 1, 2007 at the Dahl Arts Center, 713 7<sup>th</sup> Street
95. **Rapid City Fine Arts Center, Inc.** for a special Beer & Wine License for an event scheduled October 12, 2007 at the Dahl Arts Center, 713 7<sup>th</sup> Street

### **NON-CONSENT PUBLIC HEARING ITEMS** – Items 96 – 118

The Mayor presented 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. LaCroix moved, second by Okrepkie to continue to the September 4, 2007 Council meeting. Motion carried with Johnson voting NO.

The Mayor presented No. 07CA030, 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 Heavy Industrial** on Lots 2 thru 7 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1717 thru 1937 Marlin Drive. LaCroix moved, second by Hadcock to continue to the November 5, 2007 Council meeting. Responding to a question from Alderman Chapman, Elkins indicated that in previous discussions, the Council felt it was appropriate to rezone only with a planned development. She indicated that the Future Land Use Committee

reviewed the request and the Planning Commission will discuss an amendment to allow planned developments in heavy industrial areas.

Substitute motion was made by Hurlbut, second Hurlbut Johnson to approve. Alderman Hadcock reminded the members that she requested the Planned Development Designation because she has an interest in the aesthetics in light and heavy industrial zoned areas. Responding to a question from Alderman Johnson, Elkins indicated that the current Future Land Use Plan identifies the area as agriculture; but the draft plan identifies the area appropriate for heavy industrial. The Future Land Use Committee has indicated that they felt it was more appropriate to have an area 500 feet back from Hwy 79 and Catron Blvd. that would be Planned Development, if there was heavy industrial in the area. Elkins, in response to a question from Alderman Okrepkie, indicated that some of the uses have a good deal of storage that is noxious, but the uses would all be permitted and there would not be any review of those uses through the City, other than a building permit. Alderman Johnson indicated his support for a buffer, but not applying the requirement on a case by case basis, but adopt a plan for the entire length of the roadway.

With the consent of the Council, Hurlbut withdrew the substitute motion. Upon a vote on the motion to continue, motion carried with Johnson voting NO.

The Mayor presented No. 07CA033, a request by CETEC Engineering Services, Inc. for OS Development for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Medium Density Residential with a Planned Residential Development** on a tract of land located in the NW1/4 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 186.87 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 800.00 feet and a chord bearing of N31°18'22"W; Thence along said curve a distance of 553.18 feet; Thence S42°01'34"W 152.10 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the Center 1/4 corner of said Section 27 bears S33°29'08"W a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014, located west of the intersection of Reservoir Road and Southside Drive. LaCroix moved, second by Hadcock and carried to deny without prejudice.

The Mayor presented No. 07CA034, a request by CETEC Engineering Services, Inc. for OS Development for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to High Density Residential with a Planned Residential Development** on a tract of land located in the SE1/4 SE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the Southeast Corner of said Section 22, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence N88°27'49"W 369.56 feet along the South line of the SE1/4 SE1/4 of said Section 22 to

the True Point of Beginning; Thence N88°27'49"W 178.78 feet along said South line to the beginning of a curve concave to the northeast and having a radius of 1200.00 feet; Thence along said curve a distance of 349.48 feet; Thence N32°05'22"E 250.68 feet to the beginning of a curve concave to the northwest and having a radius of 1006.00 feet; Thence along said curve a distance of 433.45 feet; Thence S87°56'54"E 84.32 feet to the southwest corner of the Bradeen Subdivision, said point being monumented with a rebar and plastic cap stamped LS 6014; Thence S87°56'54"E 181.28 feet along the South line of said Subdivision; Thence S02°02'59"W 672.03 feet to the True Point of Beginning, from which the South 1/4 corner of said Section 22 bears N88°27'49"W a distance of 2280.00 feet, said point being monumented with a brass cap and iron pipe, located west of the intersection of Reservoir Road and Southside Drive. LaCroix moved, second by Hadcock and carried to deny without prejudice.

The Mayor presented No. 07CA036, a request by CETEC Engineering Services, Inc. for OS Development for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to High Density Residential with a Planned Residential Development** on a tract of land located in the NE1/4 SE1/4, SE1/4 NE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the Southeast Corner of said Section 22, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence N00°55'18"E 1655.11 feet along the East line of the SE1/4 of said Section 22 to the True Point of Beginning lying on the North line of the Bradeen Subdivision; Thence N87°56'04"W 517.56 feet along the North line to the northwest corner of said Subdivision; Thence N87°56'04"W 84.31 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1006.00 feet and a chord bearing of N22°44'15"W; Thence along said curve a distance of 685.41 feet; Thence N42°15'21"W 321.74 feet to the beginning of a curve concave to the northeast and having a radius of 800.00 feet; Thence along said curve a distance of 514.07 feet; Thence N88°48'27"E 1331.68 feet to a point; Thence S02°04'04"W 1370.56 feet to the True Point of Beginning, located west of the intersection of Reservoir Road and Southside Drive. LaCroix moved, second by Hadcock and carried to deny without prejudice.

The Mayor presented No. 07FV006, a request by TSP Three, Inc. for Bob Brandt to consider an application for a **Fence Height Exception** to allow a six foot high fence in lieu of a four foot high fence on Dan's Supermarket Tract Revised less Lot 1 [also in Block 67] and less Lot H-1 of Block 66 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 333 Omaha Street. LaCroix moved, second by Johnson and carried to approve with the following stipulations: 1. The fence shall be constructed in conformance architecturally to the plans and elevations and color palette submitted as part of this Fence Height Exception; and, 2. The fence shall be located no closer to Rapid Street than the new strip mall structure which must maintain a minimum three foot front yard setback.

LaCroix moved, second by Hadcock and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest any future assessment for the installation of curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway as it abuts 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. (07SV001)

The Mayor presented 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. LaCroix moved, second by Johnson and carried that the Variance be approved with the following

stipulations: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement; and, 2. Prior to submittal of a Final Plat application, the section line highway shall be vacated.

LaCroix moved, second by Johnson and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sewer and sidewalk along Elk Vale Road as it abuts 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. (07SV010)

The Mayor presented 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. LaCroix moved, second by Hurlbut and carried that the Variance to the Subdivision Regulations to waive the requirements to install pavement, curb, gutter, streetlight conduit, water and sewer and dedicate additional public right-of-way on that portion of section line highway located north of Jolly Lane be denied without prejudice ; that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Elk Vale Road be denied without prejudice ; that the Variance to the Subdivision Regulations to waive the requirement to provide a planting screen easement be denied without prejudice; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water and sidewalks along Elk Vale Road be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements ; and, that the Planning Commission acknowledge the applicant's withdrawal of the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Jolly Lane.

LaCroix moved, second by Johnson and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sewer and sidewalk along Elk Vale Road as it abuts 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 northeast of the intersection of Jubilee Lane and Elk Vale Road. (07SV028)

The Mayor presented No. 07SV028, a request by Dream Design, Inc. for Word of Hope Wesleyan Church for a **Variance to the Subdivision Regulations to waive the requirement to increase the pavement width along Jolly Lane 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 northeast of the intersection of Jubilee Lane and Elk Vale Road. LaCroix moved, second by Johnson and carried that the

Variance be approved 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. 07SV034, a request by Mike Hanson for Tyz Thurston for a **Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 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. LaCroix moved, second by Hadcock and carried to deny.

LaCroix moved, second by Johnson and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest any future assessment for the installation of curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along S.D. Highway 44 West and the installation of curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Cavern Road as they abut Lot 1 of Tract 2 Revised and Lot 2E of Lot 2 of Tract 2 Revised of Cavern Crest Subdivision, located in the SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located at 2675 Cavern Road and 8500 West Highway 44. (07SV035)

The Mayor presented No. 07SV035, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to allow platting half of a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Tract 2 Revised and Lot 2ER of Lot 2 of Tract 2 Revised of Cavern Crest Subdivision, located in the SE1/4 Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Tract 2 Revised and Lot 2E of Lot 2 of Tract 2 Revised of Cavern Crest Subdivision, located in the SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located at 2675 Cavern Road and 8500 West Highway 44. LaCroix moved, second by Johnson and carried that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along S.D. Highway 44 West be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; that the Variance to the Subdivision Regulations to allow platting half of a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Cavern Road be approved with the following stipulations: 1. The portion of the 66 foot wide easement located on the property, or the southern 33 feet, shall be dedicated as right-of-way; and, 2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Cavern Crest Court be approved with the following stipulations: 1. An additional two feet of easement width for a total of 52 feet shall be dedicated; and, that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the private access easement be approved.

The Mayor presented No. 07SV038, a request by Kathleen Berger for a **Variance to the Subdivision Regulations to waive the requirement to dedicate Right-of-way along the Section Line Highway** on Lot C of Tract 1 in H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, legally

described as Lot B of Tract 1 of H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, located at 15010 E. Highway 44. LaCroix moved, second by Johnson and carried to approve the Variance.

The Mayor presented No. 07SV041, a request by City of Rapid City / Dream Design International for a **Variance to the Subdivision Regulations to waive the requirement to dedicate a full street per Chapter 16.12.050 of the Rapid City Municipal Code** on Lot 1 of Word of Hope Subdivision, located in the NE1/4 SE1/4, lying southeast of Elk Vale Road, 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 southeast of Elk Vale Road. LaCroix moved, second by Johnson and carried to approve the Variance.

The Mayor presented No. 07RZ012, second reading of 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. Hadcock moved, second by Johnson and carried that Ordinance No. 5267 be continued to the September 4, 2007 Council meeting.

The Mayor presented No. 07RZ051, second reading of Ordinance No. 5315, 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 Heavy Industrial District** on Lots 2 thru 7 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1717 thru 1937 Marlin Drive. Hadcock moved, second by Johnson and carried that Ordinance No. 5315 be continued to the November 5, 2007 Council meeting.

The Mayor presented No. 07RZ053, second reading of Ordinance No. 5317, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by CETEC Engineering Services, Inc. for OS Development for a **Rezoning from No Use District to Medium Density Residential District** on a tract of land located in the NW1/4 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 186.87 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 800.00 feet and a chord bearing of N31°18'22"W; Thence along said curve a distance of 553.18 feet; Thence S42°01'34"W 152.10 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the Center 1/4 corner of said Section 27 bears S33°29'08"W a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014, located west of the intersection of Reservoir Road and

Southside Drive. Notice of hearing was published in the Rapid City Journal on August 11, 2007 and August 18, 2007. Ordinance No. 5317 having had the first reading on August 6, 2007; Hadcock moved, second by Chapman that Ordinance No. 5317 is denied without prejudice at the applicant's request.

The Mayor presented No. 07RZ054, second reading of Ordinance No. 5318, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by CETEC Engineering Services, Inc. for OS Development for a **Rezoning from No Use District to High Density Residential District** on a tract of land located in the SE1/4 SE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the Southeast Corner of said Section 22, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence N88°27'49"W 369.56 feet along the South line of the SE1/4 SE1/4 of said Section 22 to the True Point of Beginning; Thence N88°27'49"W 178.78 feet along said South line to the beginning of a curve concave to the northeast and having a radius of 1200.00 feet; Thence along said curve a distance of 349.48 feet; Thence N32°05'22"E 250.68 feet to the beginning of a curve concave to the northwest and having a radius of 1006.00 feet; Thence along said curve a distance of 433.45 feet; Thence S87°56'54"E 84.32 feet to the southwest corner of the Bradeen Subdivision, said point being monumented with a rebar and plastic cap stamped LS 6014; Thence S87°56'54"E 181.28 feet along the South line of said Subdivision; Thence S02°02'59"W 672.03 feet to the True Point of Beginning, from which the South 1/4 corner of said Section 22 bears N88°27'49"W a distance of 2280.00 feet, said point being monumented with a brass cap and iron pipe, located west of the intersection of Reservoir Road and Southside Drive. Notice of hearing was published in the Rapid City Journal on August 11, 2007 and August 18, 2007. Ordinance No. 5318 having had the first reading on August 6, 2007; Hadcock moved, second by Johnson that Ordinance No. 5318 is denied without prejudice.

The Mayor presented No. 07RZ056, second reading of Ordinance No. 5320, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by CETEC Engineering Services, Inc. for OS Development for a **Rezoning from No Use District to High Density Residential District** on a tract of land located in the NE1/4 SE1/4, SE1/4 NE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the Southeast Corner of said Section 22, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence N00°55'18"E 1655.11 feet along the East line of the SE1/4 of said Section 22 to the True Point of Beginning lying on the North line of the Bradeen Subdivision; Thence N87°56'04"W 517.56 feet along the North line to the northwest corner of said Subdivision; Thence N87°56'04"W 84.31 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1006.00 feet and a chord bearing of N22°44'15"W; Thence along said curve a distance of 685.41 feet; Thence N42°15'21"W 321.74 feet to the beginning of a curve concave to the northeast and having a radius of 800.00 feet; Thence along said curve a distance of 514.07 feet; Thence N88°48'27"E 1331.68 feet to a point; Thence S02°04'04"W 1370.56 feet to the True Point of Beginning, located west of the intersection of Reservoir Road and Southside Drive. Notice of hearing was published in the Rapid City Journal on August 11, 2007 and August 18, 2007. Ordinance No. 5320 having had the first reading on August 6, 2007; Hadcock moved, second by Johnson that Ordinance No. 5320 is denied without prejudice at the applicant's request.

The Mayor presented No. 07RZ057, second reading of Ordinance No. 5321, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by CETEC Engineering Services, Inc. for OS Development for a **Rezoning from No Use District to General Agricultural District** on a tract of land located in the S1/2 NE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Beginning at the Center North 1/16 corner of Section 22, said point being monumented with a rebar and plastic cap stamped LS 6014; Thence S87°53'50"E 2618.39 feet along the North line of the S1/2 NE1/4 of Section 22 to a point monumented with a rebar and plastic cap stamped LS 6014; from which the North 1/16th corner common to Section 22 and 23 bears S87°53'50"E 32.95 feet; Thence S02°04'38"W 946.40 feet to a point; Thence S88°48'27"W 2621.92 feet to a point on the West line of in the S1/2 NE1/4 of Section 22; Thence N02°02'19"E 1097.11 feet along said west line to the Point of Beginning, located west of the intersection of Reservoir Road and Southside Drive. Notice of hearing was published in the Rapid City Journal on August 11, 2007 and August 18, 2007. Ordinance No. 5321 having had the first reading on August 6, 2007; Hadcock moved, second by Johnson that the title be read the second time. The following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Okrepkie, Chapman, Weifenbach, Olson, Kroeger, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5321 the second time.

### **BILLS**

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

Payroll Paid Ending 08-04-07, Paid 08-10-07	816,265.40
Payroll Paid Ending 08-04-07, Paid 08-10-07	2,383.84
Pioneer Bank, Taxes Paid 08-10-07	196,739.71
Pioneer Bank, Taxes Paid 08-10-07	167.75
Berkley Risk Administrators, claims paid 08-06-07	36,615.38
First Administrators, claims paid 07-31-07	141,663.69
First Administrators, claims paid 08-07-07	125,638.63
First Administrators, claims paid 08-14-07	133,968.35
West River Electric Association, electricity	15,322.67
Black Hills Power & Light, electricity	43,393.88
Montana Dakota Utilities, gas	187.61
Scull Construction, IDP04-1367, Dahl Expansion	168,282.17
United States Postmaster, postage	1,800.00
Computer Bill List	<u>7,374,105.60</u>
Subtotal	\$9,056,534.68
Payroll Paid Ending 08-04-07, Paid 08-10-07	2,722.58
Pioneer Bank, Taxes Paid 08-10-07	193.47
City of Rapid City, health insurance	1,178.00
City of Rapid City, postage	10.34
Conoco Phillips, gasoline	154.24
Dakota Business Center, copier usage	32.87

**CITY COUNCIL**

**AUGUST 20, 2007**

Prairiewave Communications, telephone	67.93
Rushmore Plaza Holiday Inn, volunteer dinner	2,257.95
Simpson’s Printing, program books	301.00
Standard Life, life insurance	7.00
Subtotal	<u>\$9,063,460.06</u>
Hills Materials Company, CO 01F, ST07-1628	12,378.20
Mainline Contracting, CO 01F, SS06-1482	1,435.50
Tru-Form Construction, CO 01F, STCM07-1636	2,926.54
Canyon Lake Senior Center, subsidy	1,166.67
Dahl Fine Arts Center, subsidy	5,291.25
Tracy Hamblet III, contract services	4,789.17
Lutheran Social Services, EAP services	554.13
Minneluzahan Senior Center, subsidy	1,791.67
Museum Alliance of RC, subsidy	13,342.85
PAJO Properties, cart barn principle/interest	1,614.76
Pennington County Auditor, detox	31,681.92
Pennington County ESCC, dispatch	73,475.33
Rapid City Area Economic Development, ED Small Business	20,000.00
Total	<u>\$9,233,908.05</u>

**EXECUTIVE SESSION** permitted by SDCL 1-25-2

Chapman moved, second by Okrepkie to go into Executive Session at 10:07 P.M. for the reasons permitted by SDCL 1-25-2 (1) (3) and (4). Motion carried. The Council came out of Executive Session at 11:06 P.M. with all members present.

**STAFF DIRECTION**

Johnson moved, second by Chapman and carried to direct staff to proceed in accordance with discussions in Executive Session on negotiating with the landowner on the first property acquisition matter.

Johnson moved, second by Chapman to reject the offer that was presented, direct the City Attorney to make an offer in accordance with discussions in Executive Session. Motion carried with Hadcock voting NO.

Johnson moved, second by Chapman and carried to direct the City Attorney to contact the property owner’s agent and engage them in negotiations.

Johnson moved, second by Okrepkie and carried to direct staff to negotiate with the property owner on the Lemmon Avenue issue.

Chapman moved, second by Olson and carried to direct the City Attorney to reject the settlement offer in the Walgar matter and make a counteroffer in accordance with the discussion in Executive Session and proceed accordingly.

**ADJOURN**

As there was no further business to come before the Council at this time, the meeting adjourned at 11:09 P.M.

ATTEST:

CITY OF RAPID CITY

\_\_\_\_\_  
Finance Office

(SEAL)

\_\_\_\_\_  
Mayor