

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

February 19, 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, February 19, 2007 at 7:00 P.M.

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

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

### **ADOPTION OF AGENDA**

The following items were added to the agenda:

- No. 06VE020, to approve a Corrective Resolution of Vacation of the Access and Utility Easement
- No. 05VR015, to approve a Resolution of Vacation of Public Right-Of-Way
- Executive Session

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

### **APPROVE MINUTES**

Hurlbut moved, second by LaCroix and carried to approve the minutes of February 5, 2007 and January 31, 2007 special Council meeting; and correct Council minutes of January 15, 2007 recommending that No. 06PL133, a request by Sperlich Consulting, Inc. for Doeck, LLC for a Preliminary Plat be sent back to the Planning Commission for review as requested by the applicant.

### **AWARDS AND RECOGNITIONS**

Mayor Shaw presented the Veteran of the Month for February, 2007 to H. G. Krosschell and recognized his efforts and dedication to the service of his country and community.

Mayor Shaw presented a Certificate of Recognition to David Ebright and acknowledged his 30 years of service to the Rapid City Parks Department.

### **GENERAL PUBLIC COMMENT**

Steven Brenden, Rapid City pointed out that the City has a Master Utility Manual, prepared at a cost of \$1 Million. He requested the City hire a new full-time employee to implement the

requirements of the manual; and asked that the City not circumvent the requirements of the manual by granting exceptions.

James Taylor, Rapid City shared a vision as it relates to statues of presidents, patriots, first Americans, first scientists, and those first in medicine, and asked that the City keep these in mind when thinking about the future of tourism in Rapid City.

**NON-PUBLIC HEARING ITEMS** -- Items 3 - 54

Hurlbut moved, second by LaCroix and carried to open public comment period for Items 3 – 40. Steven Brenden, Rapid City addressed item #5 (No. PW021307-01) asking for support for not installing parking meters as he believed that it goes against the design concept. Chapman moved, second by Olson and carried to close public comment period for Items 3 – 40.

**CONSENT ITEMS** – Items 3 - 40

The following items were removed from the Consent Items:

19. No. PW021307-11 – Authorize the Mayor and Finance Officer to sign an Agreement with KT Connections, Inc. for the Swim Center Sound and Paging System for a contract amount not to exceed \$45,900.09; based upon informal quotes.
30. No. LF021407-17 – Approve proposed changes to Memorandum of Joint Powers Agreement between the City of Rapid City and the Office of History, State of South Dakota.
31. No. LF021407-19 - Authorize the preparation of Plat of Lot H 12 showing a tract of land for highway purposes, located in the unplatted balance of the N1/2 SW1/4, of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, and Plat of Lot H 13 showing a tract of land for highway purposes, located in the unplatted balance of the NW1/4 SE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, and Plat of Lot H 14 showing a tract of land for highway purposes, located in the unplatted balance of the N1/2 SW1/4, the NW1/4 SE1/4 and the SW1/4 NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota and acceptance of Deeds.
36. No. LF021407-13 – Approve Travel Request for Doug Lowe, Kristy Lintz, Jeff Richardt, Erin Goeden and Lon Van Deusen to attend the 2007 Midwest Regional Conference in Sioux Falls, SD, April 15-17, 2007, in an approximate amount of \$2,480.

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

***Alcoholic Beverage License Applications Set for Hearing (March 5, 2007)***

3. **Rapid City Fine Arts Council** for nine (9) special Beer and Wine Licenses for events scheduled March 23, March 24, April 13, April 14, April 15, April 20, April 21, May 4, and May 11, 2007 at the Dahl Fine Arts Center, 713 7<sup>th</sup> Street
4. **Rushmore Curling Club, Inc.** for a special Beer License for an event scheduled May 4, 5 and 6, 2007 at the Roosevelt Park Ice Arena, 235 Waterloo Street

**Public Works Committee Consent Items**

5. No. PW021307-01 - Refer a request by Dream Design International, Inc. to reconsider the reinstallation of parking meters along Kansas City Street upon completion of the reconstruction project to the City Center Revitalization Task Force parking sub-committee.
6. No. PW021307-03 - Authorize staff to present a federal appropriation request to the congressional delegation on behalf of the City of Rapid City for the Source Water Protection Initiative Project.
7. Acknowledge the report on use of Magnesium Chloride and other de-icing chemicals
8. No. PW021307-04 – Approve a change in the funding sources for \$159,776.12 to be funded out of Water Enterprise Funds for the Professional Services Agreement with Kadrmas Lee and Jackson for East Anamosa Street Extension, LaCrosse Street to Century Road; Project No. ST04-1397 / CIP #50316.
9. No. PW013007-03 – Approve the additional funding amount of \$7,553.00 for the entire holiday decorations project, including decorations and banner poles from Miscellaneous Improvements Projects (CIP); and approve Change Order No. 1 for Downtown Banner Poles Project No. MIP06-1602 / CIP No. 50654 to MAC Construction Company, Inc. for an increase of \$5,259.00.
10. No. PW021307-05 – Authorize staff to advertise for bids for the Chip Seal Street 2007 Project No. STCM-1628 / CIP #50584. Motion carried unanimously. (Place on consent calendar)
11. No. PW021307-06 – Authorize staff to advertise for bids for Canyon Lake Drive and Soo San Drive 14” Water Main and West Main Street and Soo San Drive Storm Sewer, Lime Creek Element 382; Project No. W06-1562 / CIP #50598. Motion carried unanimously. (Place on consent calendar).
12. No. PW021307-07 - Authorize staff to advertise for bids for Two (2) Single Axle Trucks for the Streets Division
13. No. PW021307-08 - Authorize staff to advertise for bids for Two (2) Skid Steer Loaders for the Streets Division
14. No. PW021307-09 - Authorize staff to advertise for bids for One (1) Articulating Motorgrader for the Streets Division
15. No. PW103106-22 - Approve a Resolution Fixing Time and Place for Hearing on Assessment Roll for Fairview Street Sewer Extension Project No. SS06-1556 / CIP #50624 for March 19, 2007

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON  
ASSESSMENT ROLL FOR  
FAIRVIEW STREET SEWER EXTENSION  
PROJECT NO. SS06-1556  
(9<sup>th</sup> Street to West Boulevard, Clark Street to Fairview Street)

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

1. The assessment roll for Fairview Street Sewer Extension Project No. SS06-1556 (9<sup>th</sup> Street to West Boulevard, Clark Street to Fairview Street) was submitted to the Finance Office on the 19<sup>th</sup> day of February, 2007. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, March 19,

2007 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.

2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time and place of hearing thereon, that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.

3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 19<sup>th</sup> day of February, 2007.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

(SEAL)

16. No. PW122606-11 – Request staff to notify affected property owners on the north side of Canyon Lake Drive between Sheridan Lake Road and Soo San Drive of the City's proposal to order in sidewalks.
17. No. PW021307-10 - Acknowledge the report on left turn prohibition, E. Saint Joseph Street and E. Saint Charles Street
18. No. PW021307-23 - Approve a request by Fisk Land Surveying and Consulting Engineers, Inc. to prepare an H-Lot located in Lots 38, 39, and 40, Block 3 of Cottonwood Subdivision and the vacated Railroad Lane adjacent thereto, located in the NE ¼ of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota on behalf of the City of Rapid City and authorize acceptance of deeds; and to approve a request by Fisk Land Surveying and Consulting Engineers, Inc. to prepare an H-Lot located in Lots 1 and 2, Block 3 of Cottonwood Subdivision and the vacated Railroad Lane adjacent thereto, located in the NE ¼ of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota on behalf of the City of Rapid City and authorize acceptance of deeds.

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

20. No. LF021407-02 – Approve appointment of Ken Fuerst to Residential Contractor Board.
21. No. LF021407-03 – Approve Travel Request for Malcom Chapman to attend National League of Cities Leadership Institute in Chicago, IL, September 26-29, 2007, in an approximate amount of \$1,775.
22. Approve appointment of Planning Commission members to the following committees: Sign Code Board of Appeals – Gary Brown; Development Appeals Review - John Brewer; and Zoning Board of Adjustment – Tom Hennies.
23. No. LF021407-05 – Approve correction of Contract with Black Hills Fiberglass and Plastics for Fire Shelters and Training Practice Shelters (reduction of total amount).

- 24. No. LF021407-06 – Authorize the Mayor and Finance Officer to sign Agreement for Emergency Response to Weapons of Mass Destruction and Hazardous Materials Incidents between the City of Rapid City, the Rapid City Department of Fire & Emergency Services, Pennington County, and Rosebud Sioux Tribe.
- 25. No. LF021407-07 – Authorize staff to accept grant from South Dakota Hazardous Materials Emergency Preparedness for the HazMat Technician Course in Pueblo, CO, in the amount of \$3,615.35.
- 26. No. LF021407-08 – Approve Travel Request for Jim Bussell to attend HazMat Technician Course in Pueblo, CO, March 12-23, 2007, in the approximate amount of \$3,595.35 (this will be covered by the above grant).
- 27. No. LF021407-09 – Approve Travel Request for Matt Culberson to attend HazMat Incident Command Course in Pueblo, CO, March 19-23, 2007, in an approximate amount of \$2,247.70 (HMEP grant in the amount of \$2,353 will be applied towards expense).
- 28. No. LF021407-10 – Approve Travel Request for Mike Wright and Jimmy Massey to attend HazMat Technician Course in Pueblo, CO, March 12-23, 2007, in an approximate amount of \$7,526.70 (HMEP grant in amount of \$7,464 will be applied towards expense).
- 29. No. 07OA001 – Deny without prejudice, a request by Faulk & Foster for Western Wireless Corp. to consider an application for an Ordinance Amendment to add communication towers and antennas as a Conditional Use in the Heavy Industrial and Light Industrial Zoning District by amending Chapter 17.24.030 and Chapter 17.22.030 of the Rapid City Municipal Code.
- 32. No. LF021407-11 – Authorize the Mayor and Finance Officer to sign Annual Support Agreement with SunGard Bi-Tech, Inc. in the amount of \$21,827.40 which is a 5% increase over 2006.
- 33. No. LF021407-12 – Approve a Resolution Declaring Property Surplus for Rapid Transit.

RESOLUTION DECLARING PROPERTY SURPLUS

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

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

Rapid Transit

- 2000 Ford F450 Starcraft 25' Bus VIN: 1FDXE45F8YHA48536 Inv #: 001617
- 2001 Goshen 25' Paratransit Bus VIN: 1FDXE45F41HB13789 Inv #: 004161

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

Dated this 19<sup>th</sup> day of February, 2007.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

(SEAL)

34. Approve a request for audit extension.
35. No. LF021407-20 - Authorize the Mayor and Finance Officer to sign Grant Application with South Dakota Arts Council on behalf of the Rapid City Children's Chorus, Ltd.
37. No. LF021407-14 – Acknowledge raffle request from Working Against Violence, Inc.
38. No. LF021407-15 – Acknowledge raffle request from Rapid City Regional Hospital Medical Radiography Program.
39. No. LF021407-16 – Acknowledge raffle request from Counts of the Cobblestone Car Club.
40. Approve the following licenses: Electrical Contractor/Master: Dean Weis, Phaze Electric; Todd Schoenberner, Schoenberner Electric; Paul Wieser, Paul's Electric; Kelly Moore, Kelly's Electric; Dave Phillips, PIE Inc.; Barry Tolsma, Hilltop Electric Services Inc.; David Mattox, D & D Electric; and David Leinen, Energy Electric; Electrical Master: Gilbert Hatch, Hatch Electric; Electrical Journeyman: Aaron Lillebo, Arron Myers, Rick Jensen, Cal Bosworth, and Patrick McCormick; Mechanical Apprentice: William Polai, Dana Dusek, Chad Horst, Wade Kruen, Robert Draine, William Flockhart, Shannon Salyers, Kevin Bad Wound, Bob Baumiller, Jim Boyle, Todd Dietrich, Casey Fey, Dan Hart, Doyle Heying, Sandi Kile, Casey Smith, Kerry Kurowski, Allen Hammerquist, Nathaniel Huelat, Charles Lefler, Dale Sartorius, Wayne Sartorius, Danny Hayes, Jeffrey Phelps, Adolphus Ashby, Matthew Little, James Buchholz, Victor Wood, Jason Rick, Tim Von Eye, Robert Eggers, Cory Fleming, Joshua Ebel, and Tracy Robinson; Mechanical Contractor: Jeff Rath, One Way Service Pros; Loren Palmer, Fire & Ice Heating & Cooling; Randi Miller, Quality Mechanical; James Little, Mike's Heating & A/C; S R Anderson, Anderson Heating & A/C; Al Cornella, Al Cornella Refrigeration; Wade Shorb, Geo-Aire Inc.; Cody Champion, Champion Home Service; Jesse Horst, Comfort Air; Richard Zimmiond, Integrity Sheetmetal; Rick Salyers, Dependable Transport; George Thompson, MDU; Richard Anderson, Western SD Community Action; Harold Lund, Western SD Community Action; Scott Larson, Accu-Temp Heating & A/C; Rick Morford, J-Berd Mechanical; Dennis Corcoran, Tessier's Inc.; Charles "Buzz" Hammerquist, B & H Heating; Stuart Nelson, Black Hills Heating & Cooling; Gene Opstedahl, Opstedahl Plumbing; Raymond Winters, Ray's Heating & Air Conditioning; Larry L Olson, Olson Plumbing & Heating; Travis Powrie, Black Hills Power; Richard Trapp, Black Hills Power; Keith Gade, Black Hills Power; Daniel DeJong, Black Hills Power; Ron Ronneberg, Ronneberg HVAC Inc.; Arron Zimmiond, Z's Heating & Cooling; Lee Seaman, L & M Service Specialists Inc.; Gerald Cook, Accurate Plumbing & Heating; Chino Caekaert, A to Z Maintenance & Repair; Bret Sullivan, Comfort Systems of the Central Hills Inc.; Steven Street, Street Heating & Sheet Metal; Russell Ochsner, Oshsner Sheet Metal; Wesley Scholl, Scholl Plumbing & Heating Inc.; Bruce Rasmussen, RW Rice Company; Richard Rupp, The Sheet Metal Shop; Stanley Little, Star Sheet Metal; Doug Frisk, All Seasons Heating & Cooling; Craig Waddington, High-Tech Mechanical Inc.; Wayne Gutzmer, Gutzmer Mechanical; Kevin Broom, K & D Appliance Service Inc.; David Strand, K & D Appliance Service Inc.; Jef Mattern, Wolff's Plumbing & Heating; Jim Schnittgrund, Jim's Plumbing & Heating; Kenneth Ward, Iseman Homes Inc.; Alvin Rudd Jr., Rudd Plumbing; Randy Smart, Viking Mechanical; Joe Youngblood, J & S Sheetmetal; Troy Nayman, Johnson Controls Inc.; and Dave McCarthy, McCarthy Services; Mechanical Installer: Michael Anderson, Joe Artzer, David Bay, Dale Buehler, Al Cornella, Scott Cornella, Kenneth Gibson, Erik Haakedahl, Brian Anderson, Jonny

Lefler, John Miller, Kevin Morris, Ralph Schad, Wade Smith, Steven Storm, Allan Weinand, Scott DeYoung, James Everton, Eric Stearns, Terry Borr, Jerry Christensen, David Del Soldato, Jason Fenner, Carl Flemming, Robert Flemming, Bradley Lee Job, Scott Juhnke, Ron Lineweber, David McLane, Harlan Olson, Jeremiah Reede, Kevin Schmidt, Troy Finck, Theodore Foskett, Edwin Harvey, Chris Derrick, Michele Seaman, Erik Dudley, David Eccleston, Kent Eccleston, Joseph Trusty, Robert Witte, Carl Hyatt, Tim Scholl, Scott Latuseck, Don Foulk, Lynn Amick, Corey Merrill, Douglas Amick, Brian Bies, Frank Evans, Dallas Hayes, Chuck Hibbard, Justin Peckham, Dale Schulte, Mark Sigler, Roger Friedrichsen, Randy Palmer, Brent Strand, Daniel Hartman, Michael Ogren, Jim Shuman, William Willard, Mark Bradley, and Raymond Barck; Appliance Specialist: Todd Goodrich; Residential Contractor: Edwin Harvey, Harvey Homes Inc.; James Schad, Schad Construction; Darrell & Steven Rave, Rave Brothers Inc.; Allan Weidenbach, Weidenbach Brothers Construction; Cody Champion, Champion Home Service & Supply; Chad Myers, T-M Concrete Construction; Aaron Christensen & Kevin Kohl, Pilot Development Inc.; Charles Hoffman, Hoffman Construction; Gary & Dorothy Rasmusson, EKCO Development Company; Jack Bickford, Bickford Better Building; Jason Baumeister, Jason Baumeister Construction; Jeremy Muth, Select Construction Inc.; and Tom Relf, Flatwood Construction; Security Business: Ole Olson Security, Vance A Olson; Trenching Journeyman: Kevin Glover, Dominick Notini; Sewer and Water Journeyman: Lonnie Harmon, Peter Bonefield.

#### END OF CONSENT CALENDAR

Hadcock moved, second by LaCroix to (No. PW021307-11), authorize the Mayor and Finance Officer to sign an Agreement with KT Connections, Inc. for the Swim Center Sound and Paging System for a contract amount not to exceed \$45,900.09; based upon informal quotes. Motion carried with Alderman Kooiker abstaining.

The Mayor presented No. LF021407-17, to approve proposed changes to Memorandum of Joint Powers Agreement between the City of Rapid City and the Office of History, State of South Dakota. Elkins pointed out the clerical corrections and the addition of article "K." which allows the issuance of building permits for interior construction on non-contributing buildings within historic districts, or non-historic buildings in the environs of historic properties. She indicated that this would be allowed without having to go through the 11-1 review. Johnson moved, second by Hadcock to authorize the Mayor and Finance Officer to sign a Memorandum of Joint Powers Agreement between the City of Rapid City and the Office of History, State of South Dakota. In response to a question from Alderman Johnson, Elkins indicated that this is the existing agreement that the City has with the State Office of History and does not change the balance of power. It exempts certain properties when changes are being made. Upon a vote being taken on the motion to approve, motion carried.

Hadcock moved, second by LaCroix and carried to (No. LF021407-19), authorize the preparation of Plat of Lot H 15 showing a tract of land for highway purposes, located in the unplatted balance of the N1/2 SW1/4, of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, and Plat of Lot H 13 showing a tract of land for highway purposes, located in the unplatted balance of the NW1/4 SE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, and Plat of Lot H 14 showing a tract of land for highway purposes, located in the unplatted balance of the N1/2 SW1/4, the NW1/4 SE1/4 and the SW1/4

NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota and acceptance of Deeds.

Johnson moved second by Hadcock and carried to (No. LF021407-13), approve a Travel Request for Doug Lowe, Kristy Lintz, Jeff Richardt, Erin Goeden and Lon Van Deusen to attend the 2007 Midwest Regional Conference in Sioux Falls, SD, April 15-17, 2007, in an approximate amount of \$2,480; and to include Jerry Cole, increasing the amount by \$450 for an approximate amount of \$2,930.

Olson moved, second by Johnson and carried to open public comment for Items 41 – 54. Kale McNaboe, Sperlich Consulting addressed item #51 (No. PW021307-02)), outlining the details of the fill slope for the street embankment, box culverts and wingwalls, and riprap basin for erosion control. He indicated that the entire embankment is contained in the DE-Lot. He asked that Council authorize the creation and accept ownership of the DE-Lot. Les Vrbsky, 1231 E. Franklin Street addressed item #52 (No. PW010907-12), reiterating the details of his existing sewer line, and asking that he be exempt from the assessment. Toby Karn, attorney for Doug Gokie, 1210 E. Franklin Street addressed item #52 (No. PW010907-12), asking for fairness in the application of the assessment. Chapman moved, second by Olson and carried to close public comment for Items 41 – 54.

#### **NON-CONSENT ITEMS** – Items 41 - 54

#### **ORDINANCES**

Ordinance No. 5254 (No. 07RZ007), An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as request by Dream Design International, Inc. for a **Rezoning from Medium Density Residential District to Public District** on a portion of Brewer Subdivision including Lots 1 and 2, formerly the balance of Outlot 3 of the SW1/4 NW1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of East Tallent Street and Ash Avenue was introduced. Kooiker moved, second by Schumacher and carried that Ordinance No. 5254 be continued to the March 5, 2007 Council meeting.

Ordinance No. 5255 (No. 07RZ008), An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as request by Dream Design International, Inc. for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in Government Lot 3 and the SE1/4 of the NW1/4 of Section 4, T1N, R8E, BHM, Pennington County, more fully described as follows: Commencing at the northeast corner of said Lot 3, said point being coincident with the north one-quarter corner of said Section 4, T1N, R8E, BHM, Pennington County, South Dakota, said corner being marked by a brass cap; thence, southerly along the one-quarter section line, S00°05'16"E, a distance of 512.09 feet, more or less, to the point of beginning; thence, continuing southerly along the one-quarter section line, S00°05'16"E, a distance of 1914.86 feet, more or less, said point being marked by an iron pin; thence, continuing southerly along the one-quarter section line, S00°05'03"E, a distance of 246.18 feet, more or less to the center one quarter corner of said Section 4, said point being marked by a rebar with surveyor cap number 6565; thence, westerly along the one-quarter section line, S89°48'42"W, a distance of 1328.91 feet, more or less to the southwest corner of the SE1/4 of the NW1/4 of said Section 4, said point being marked by a rebar with surveyor cap number 6565; thence, northerly along the one-sixteenth section line,

N00°02'44"E, a distance of 1048.69 feet, more or less to the southwest corner of Lot A of the SE1/4 NW1/4, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded in Plat Book 17 on Page 167, said point being marked by a 5/8 inch rebar; thence, easterly along the south line of said Lot A, N89°59'59"E, a distance of 145.15 feet, more or less to the southeast corner of said Lot A, said point being marked by a 5/8 inch rebar; thence, northerly along the east line of said Lot A, N00°02'52"E, a distance of 110.12 feet, more or less, to the northeast corner of said Lot A, said point being marked by a 5/8 inch rebar; thence, westerly along the north line of said Lot A, S89°53'30"W, a distance of 145.14 feet, more or less, to the northwest corner of said Lot A and the one-sixteenth section line, said point being marked by a 5/8 inch rebar; thence, northerly along the one-sixteenth section line N00°00'48"W, a distance of 995.00 feet, more or less; thence, N89°53'30"E, a distance of 151.98 feet, more or less; thence, curving to the right on a curve with a radius of 226.00 feet, an arc length of 2.79 feet, a delta of 00°42'26", and a chord bearing of S00°22'01"E with a chord distance of 2.79 feet; thence, S00°00'48"E, a distance of 181.83 feet, more or less; thence, N89°50'20"E, a distance of 968.82 feet, more or less; thence, N00°03'34"W, a distance of 108.52 feet, more or less; thence, curving to the right on a curve with a radius of 326.00 feet, an arc length of 85.64 feet, a delta of 15°03'07", and a chord bearing of N07°28'00"E with a chord distance of 85.40 feet; thence, N89°54'44"E, a distance of 193.07 feet, more or less, to the point of beginning, located east of Valley Drive and west of Concourse Drive was introduced. Kooiker moved, second by Hadcock and carried that Ordinance No. 5255 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 5, 2007.

Ordinance No. 5256 (No. 07RZ009), An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as request by Dream Design International, Inc. for a **Rezoning from No Use District to Medium Density Residential District** on a parcel of land located in Government Lot 3, of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the north 1/4 corner of said Section 4, said corner being marked with a GLO Brass Cap; thence, southerly along the 1/4 section line, S00°05'16"E, a distance of 512.09 feet, more or less; thence, S89°54'44"W, a distance of 193.07 feet, more or less; thence, curving southwest to the left on a curve with a radius of 326.00 feet, a delta of 15°03'07", an arc length of 85.64 feet, and a chord bearing of S07°28'00"W and a chord distance of 85.40 feet; thence, S00°03'34"E, a distance of 108.52 feet, more or less; thence, S89°50'20"W, a distance of 968.82 feet, more or less; thence, N00°00'48"W, a distance of 181.83 feet, more or less; thence, curving northwest to the left on a curve with a radius of 226.00 feet, a delta of 00°42'26", an arc length of 2.79 feet, and a chord bearing of N00°22'01"W and a chord distance of 2.79 feet; thence, S89°53'30"W, a distance of 151.98 feet, more or less, to a point located on the west 1/16th line of said Section 4; thence, northerly along said 1/16th line, N00°00'49"W, a distance of 520.21 feet, more or less to the north section line of said Section 4, said point being a 1/16th section corner and marked by a rebar with survey cap "6251"; thence, easterly along the north line of said Section 4, N89°50'15"E, a distance of 1324.26 feet, more or less, to the point of beginning, located east of Valley Drive and west of Concourse Drive was introduced. Kooiker moved, second by Olson and carried that Ordinance No. 5256 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 5, 2007.

Ordinance No. 5221 (No. LF013107-28), Clarifying the Time Limits in the Case of Permits Issued Pursuant to the International Building Code by Adding Section 15.12.481 to the Rapid City Municipal Code having passed first reading on February 5, 2007, Kooiker moved, second by Chapman that the title be read the second time. The following voted AYE: Schumacher,

Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5221 was declared duly passed upon its second reading.

Ordinance No. 5223 (No. LF0131207-29), Clarifying Time Limits in the Case of Permits Issued Pursuant to International Residential Code by Adding Section 15.12.051 to the Rapid City Municipal Code having passed first reading on February 5, 2007, Kooiker moved, second by Hadcock that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5223 was declared duly passed upon its second reading.

Ordinance No. 5234 (No. 06OA008), Allowing Land That Has Been Dedicated for Highway or Roadway Purposes to be Included in the Calculation of the Total Acreage of Land for Purposes of Transferring Land of Forty Acres or More Without Requiring Platting by Amending Section 16.04.320 of the Rapid City Municipal Code having passed first reading on February 5, 2007, Kooiker moved, second by LaCroix that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5234 was declared duly passed upon its second reading.

Ordinance No. 5247 (No. LF011007-10), Allowing Joint Identification Signs for Development Complexes by Adding Section 15.28.225 to the Rapid City Municipal Code having passed first reading on February 5, 2007, LaCroix moved, second by Hurlbut that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5247 was declared duly passed upon its second reading.

Olson moved, second by Hadcock and carried to (No. 06VE020) approve the following Corrective Resolution of Vacation of the Access and Utility Easement.

CORRECTIVE RESOLUTION  
OF VACATION OF THE  
ACCESS AND UTILITY EASEMENT

WHEREAS the City of Rapid City Council by resolution on the 18<sup>th</sup> day of September, 2006 approved the vacation of 30 feet of the access and utility easement located in the NE1/4 SE1/4, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1501 Cambell Street; and

WHEREAS, the City has determined that the resolution vacating the access and utility easement erroneously described the easement being vacated as the 30 feet of the access and utility easement adjacent to the north edge of Lot 2B, Lot B, Block 15, Bradsky Subdivision, located in the NE1/4 SE1/4, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota of the resolution as contained in the official minutes; and

WHEREAS, it appears that the easement being vacated is correctly described as the 30 feet of the access and utility easement adjacent to the north edge of Lot 2B of Lot B in Block 15,

Bradsky Subdivision, located in the NE1/4 SE1/4, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

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

Dated this 19<sup>th</sup> day of February, 2007.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

(SEAL)

Johnson moved, second by LaCroix and carried to (No. 05VR015) approve the following Resolution of Vacation of Public Right-Of-Way

RESOLUTION OF VACATION  
OF PUBLIC RIGHT-OF-WAY

WHEREAS it appears that the west 180' of the 20' alley lying between Sunnyside Avenue and Anamosa Avenue and east of the east boundary of Poplar Street; Poplar Street 80' right-of-way north of Anamosa Avenue; and Sunnyside Avenue 80' right-of-way west of the boundary of Riley Street; all located in the SE1/4 of the SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, See attached Exhibit A which shows the above alley and streets to be vacated, and the lots and block of Plainview Second Addition which were vacated by Miscellaneous Book 155, Page 7155 on March 24, 2006 and Miscellaneous Book 159, Page 5977 on July 6, 2006 recorded at the Pennington County Register of Deeds. more generally described as being located at the southeast corner of the intersection of Poplar Street and Sunnyside Avenue; is not needed for public purposes; and

WHEREAS the owner(s) of property adjacent to the above-described right-of-way desires said public right-of-way to be vacated and released;

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that the public right-of-way heretofore described, and as shown on Exhibit "A", attached hereto, and incorporated herein, is hereby vacated; and,

BE IT FURTHER RESOLVED by the City of Rapid City that the Mayor and Finance Officer are hereby authorized to execute a release of public right-of-way in regard thereto.

Dated this 19<sup>th</sup> day of February, 2007.

ATTEST:  
s/ James F. Preston

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

Finance Officer

(SEAL)

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

Kooiker moved, second by Schumacher and carried to continue No. LF013107-03, Civic Center cost/benefit analysis to the February 26, 2007 special Council meeting.

Johnson moved, second by Olson to (No. PW010907-05A), approve Change Order No. 1 for Prairie Fire Sewer Main, Southside Drive 27" Sanitary Sewer Trunk Line; Project No. SS06-1594 / CIP No. 50659 to Site Work Specialists, Inc. for an increase of \$12,381.77. Alderman Kooiker indicated his concern about setting precedence by approving a change order that is not necessary. He believed the relocation of power and telephone lines is the responsibility of the high bidder. Upon a roll call vote, the motion carried with the following voting AYE: Olson, Kroeger, Chapman, Johnson, LaCroix, Hurlbut, and Hadcock; NO: Schumacher and Kooiker.

Kooiker moved, second by Chapman to approve a Resolution Recognizing Martin Luther King Day. Alderman Kroeger noted the number of federal holidays that fall on a Monday Council meeting date, and questioned why the Council would not postpone those meetings to the Tuesday following these holidays. City Attorney Green pointed out that the adoption of the Resolution would result in the Council moving their meeting date to the Tuesday following Martin Luther King Day. Substitute motion was made by Hurlbut, second by Kroeger to include other federal holidays in the resolution. Second substitute motion was made by Johnson, second by Hurlbut and carried to refer the Resolution to the February 28, 2007 Legal & Finance Committee meeting.

### **PUBLIC WORKS COMMITTEE ITEMS**

Kroeger moved, second by Hadcock to (No. PW021307-02), authorize the preparation of the DE-Lot of Tract 5 of the Sletten Addition and accept ownership of the DE-Lot only. In response to a question from Alderman Hurlbut, Elkins indicated that the recommendation that came forward to the Committee was denial. She explained that there were two items that came forward, one being a drainage detention cell. The Committee recommended the DE-Lot be accepted, but did not recommend acceptance of the detention cell. In response to a question from Alderman Kooiker, Elkins indicated that at times the City has accepted individual drainage lots and maintains the drainage lots. In other cases, they have been made part of adjacent lots and they become easements and maintenance remains an issue. Aldermen Kooiker and Olson spoke of storm water facilities as they relate to drainage, and indicated the challenge will be about identifying funding to maintain storm water facilities and drainage areas. Motion carried.

Olson moved, second by Kroeger to (No. PW010907-12), approve a Resolution Fixing Time and Place for Hearing on Assessment Roll for East Franklin Sanitary Sewer Project No. SS06-1557 / CIP #5648 for March 19, 2007. In response to a question from Alderman Kooiker, City Attorney Green indicated that the recommendation from the Committee is that all property owners would be paying their proportionate share of the assessment, which is a 60 / 40 split. Alderman Johnson indicated his concern about requiring a property to share in the assessment when they had already replaced their service line with approval from the City. Alderman Kooiker reminded the members of a motion that passed on February 5, 2007, amending the assessment roll to

show no charge for Leslie S. & Janice Vrbsky, 1231 E. Franklin Street and to direct staff to notice a new public hearing. He pointed out that the Committee is a recommending body and can not override the City Council. City Attorney Green advised that if the action of the Council was to amend and set the hearing, then the hearing should be set. He pointed out that the notice requirements could not allow the hearing on this date, but the first meeting in March. Substitute motion was made by Kooiker, second by Chapman and carried to continue to the March 5, 2007 Council meeting.

Olson moved, second by Chapman to continue No. PW021307-24, Rapid Transit Passenger Bench discussion to the March 5, 2007 Council meeting. Motion carried with Kooiker voting NO.

### **BIDS**

The following companies submitted bids for No. CC021907-02, North Deadwood Avenue Sanitary Sewer Expansion Project No. SSW02-1258 / CIP No. 50315 opened February 13, 2007: Site Work Specialists, Inc., Hills Materials Company, Quinn Construction, Inc., Highmark, Inc., Mainline Contracting, Inc., Lind-Exco, Inc., Rapid Construction Company, LLC, and RCS Construction, Inc. Staff reviewed the bids and recommends the bid award to Quinn Construction, Inc. Hadcock moved, second by LaCroix and carried to approve the bid award for North Deadwood Avenue Sanitary Sewer Expansion Project No. SSW02-1258 to the lowest responsible bidder meeting specification, Quinn Construction, Inc. for the low unit prices bid for a total contract amount of \$512,787.00.

### **PUBLIC HEARING ITEMS**

#### **Open Public Hearing (comment)** -- Items 55 – 89

Olson moved, second by LaCroix and carried to open the public hearing on Items 55 – 89. Kale McNaboe, Sperlich Consulting requested item #70 (No. 07PL008) be pulled from the continued items as the stipulations have been met. Darryl Vande Vooren, Rapid City addressed item #80 (No. 06PD07) outlining the boundaries of his property and relating the history of a twenty foot parcel being deeded over a number of years to different property owners. He indicated that in 1955 a 20 foot parcel was dedicated from one property owner to another; in 1978 that property owner dedicated that 20 foot parcel to him (Vande Vooren). He produced the title insurance received with the parcel that is now Parcel 2 of his property; and on which he pays property taxes. He indicated his objection to a proposed fire lane going across his property. Steven Brenden, Rapid City addressed item #80 explaining the proposed building two on Lot B was originally allowed by the Fire Department because there was to be a fire lane. He indicated that the applicant for the development is proposing that they own the property that belongs to Darryl Vande Vooren. Brenden pointed out that the Warranty Deed does not include the 20 x 75 foot field; and suggested the developer had prior knowledge as early as 2002 that they did not own the parcel in question, and yet they claimed ownership. He indicated that the original Planned Development was denied because the fire lane did not meet the City's criteria. He pointed out that access from Harmony Lane to the second building does meet the requirements of twenty feet of asphalt surface. He pointed out that on the latest Planned Development the fire lane is being excluded. Brenden indicated that he is appealing the approval of the road section and approval of the Planned Residential Development for Lot B, which includes the garages. His assumption was that when the applicant included the garages, the entire project on Lot B had to meet the requirements of the Canyon Lake Overlay. Brenden

asked that this continued until all legal matters are settled. Veda Wojciechowski, Rapid City addressed item #80 as it relates to the ownership of the 20 feet by Vande Vooren. She related the history of ownership and indicated that the City also had ownership in the property. She indicated that the easement and utility right-of-way no longer exists because the Quit Claim Deed only transfers what the owner may have had interest in at the time. Regarding the Canyon Lake Overlay, she asked the Council to strictly apply the guidelines and also asked for continuance until the legal ownership of the property involved is satisfied. Jim Scull, J Scull Construction addressed item #80 explaining that they want to build garages for the current owners of the condominiums; and indicated that they are not adding density, but only taking up the space that would have been paved. He believed this would only enhance the neighborhood and asked for approval. He indicated that with the exception of widening the road, they have met all the stipulations of the overlay and have started construction. Glenn Barber, Dakota Ridge Housing addressed item #81 (No. 06UR024) indicating that he knows first-hand of the issues of living in close proximity to a slaughter and meat processing facility and indicated concern over the location and the impact on the neighborhood.

### **CONTINUED PUBLIC HEARING CONSENT ITEMS** – Items 55 - 74

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

70. No. 07PL008 - A request by Sperlich Consulting, Inc. for Joe Carlin for a **Preliminary Plat** on Lots 12 and 13 of Carlin Subdivision located in the W1/2 of the NW1/4 of the SE1/4, Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the west 354.46 feet of the NW1/4 of the SE1/4 except the north 158 feet thereof and except the north 375 feet of the south 641.34 feet thereof and except Bies Subdivision, Call Subdivision and Carlin Subdivision located in Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Crane Drive and Carlin Street.

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

#### ***Continue the following items until March 5, 2007:***

55. No. 06CA028 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to amend the Major Street Plan to change an arterial street to a collector street, to eliminate a collector street and to relocate a collector street** on Parcel 1 thru 15 and detention ponds, Rushmore Crossing, Sections, 29, 30, 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as DESCRIPTION No. 1: Lot BR of Lot 2 of the SE1/4 SW1/4, Section 29 in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 15, Page 103; DESCRIPTION No. 2: Lot C of Lot 2 of the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 15, Page 103; DESCRIPTION No. 3: Tract C of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 11, Page 68; DESCRIPTION No. 4: that portion of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, lying South of Lot H3 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 109 and lying South of Lot H1 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 113 and lying South of Lot H2 of said SW1/4 as shown on the plat filed in Highway Plat

Book 3, Page 292 and lying South of Lot H4 of said SW1/4 as shown on the plat filed in Highway Plat Book 10, Page 150 (Interstate 90 right-of-way) and lying North of the Railroad right-of-way; excepting therefrom Lot A of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 10, Page 122; AND excepting therefrom Tract C of said SW1/4, as shown on the plat filed in Plat Book 11, Page 68; and excepting therefrom Lot 1R, Lot BR of Lot 2 and Lot C of Lot 2 of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 15, Page 103; and excepting therefrom the W1/2 SW1/4 SW1/4 SW1/4 lying North of said Tract C; DESCRIPTION No. 5: that portion of the N1/2 SE1/4 lying South of Lots H1 and H2 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 3, Page 288 and lying South of Lot H3 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 148 (Interstate 90 right-of-way) and the N1/2 NE1/4 SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom Lot D of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 70; and excepting therefrom Lots E and M of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 71; and excepting therefrom Lots C and L of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 8; Page 132; and excepting therefrom Tract 1 of Flack - Hendricksen Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 16, Page 205; and excepting therefrom Lots 1 and 2 in Block 2 of Rapps Addition of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 23, Page 166; and excepting therefrom Lots 1 and 2 of Bedco Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 26, Page 61; and excepting therefrom any dedicated streets, avenues or alleys lying within said plats; and excepting therefrom the Lot H1 of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; and excepting therefrom that portion of the SE1/4 NW1/4 SE1/4 and that portion of the SW1/4 NE1/4 SE1/4 lying south of said Lot H1 of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; DESCRIPTION No. 6: Lot 1R, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 7: Lot 1 of the SW1/4 SE1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 8: Lot A of Lot 2, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 9: a portion of the unplatted portion of the SE1/4 NW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 10: the unplatted portion of the SW1/4 NE1/4 SE1/4, Section 30, lying south of Lot H1, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 11: the unplatted portion of the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 12: the unplatted portion of the SE1/4 SE1/4 and excepting therefrom the N1/2 NE1/4, SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 13: the W1/2 SW1/4, SW1/4 SW1/4, Section 29, lying north of Tract C, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 14: the Farnwood Avenue Right-of-Way, located in the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota, located south of I-90 between North LaCrosse Street and East North Street.

56. No. 06PL028 - A request by Davis Engineering, Inc. for Bernita White for a **Preliminary Plat** on Lots A1 and A2 of Bar P-S Subdivision, located in the W1/2 SW1/4, formerly Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota, located adjacent to the south west curve of North Airport Road.

57. 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.
58. No. 06PL103 - A request by CETEC Engineering, Inc. for Park Hill Development, Inc. for a **Preliminary Plat** on Lots 18 thru 35, Block 2; Lots 14 thru 25, Block 5; and the dedicated public right-of-way, Park Meadows Subdivision, located in the SW1/4 NE1/4, SE1/4 NE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 NE1/4, SE1/4 NE1/4, less the Right-of-Way, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Smith Avenue.
59. 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.
60. No. 06PL169 - A request by Boschee Engineering for Dr. Don Oliver for a **Preliminary Plat** on Lots 1 thru 3, Block 1, Oliver Subdivision, located in the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Wilderness Canyon Road and 47th Avenue West.
61. No. 06PL178 - A request by Boschee Engineering for OTS, Inc. for a **Preliminary Plat** on Lots 1 thru 8 of Block 1, lots 1 thru 8 of Block 2, Lots 1 thru 17 of Block 3, and lots 1 thru 9 of Block 4, located in the SW1/4 SW1/4, W1/2 SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SW1/4 SW1/4 W1/2 SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southern terminus of Bendt Drive.
62. 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.

63. No. 06PL191 - A request by D. C. Scott Co. Land Surveyors for G. E. Commercial Finance for a **Preliminary Plat** on Lots 1 and 2 of IGT Subdivision, located in the W1/2 of the SW1/4, and the SW1/4 of the NW1/4, formerly Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on the west side of South Highway 16 and south of Fox Road.
64. 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.
65. No. 06SV066 - A request by Boschee Engineering for Dr. Don Oliver for a **Variance to the Subdivision Regulations to waive the Requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement; and to allow 10 foot wide dirt road to serve as access to Lot 1 and to allow Wilderness Canyon Road to remain a 24 foot paved street with water as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 3, Block 1, Oliver Subdivision, located in the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Wilderness Canyon Road and 47th Avenue West.
66. No. 06SV069 - A request by Fisk Land Surveying for Judy Lien for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks, curb, gutter, street light conduit, sewer and water main along Mall Drive and N. Maple Avenue and to reduce the pavement width from 40 feet to 26 feet along Mall Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2, 3 and 4 of LJS Subdivision, formerly a portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on Maple Avenue and Mall Drive.
67. No. 06SV079 - A request by D. C. Scott Co. Land Surveyors for G. E. Commercial Finance for a **Variance to the Subdivision Regulations to waive the requirement to install sewer along the section line highway and Berglund Road; to waive the requirement to install street light conduit along Berglund Road and Fox Road; to allow platting half the Right-of-way, to waive the requirements to install curb,**

**gutter, sidewalk, street light conduit, sewer and water along the section line highway, and the US Hwy 16 service road as per Chapter 16.16 of the Rapid City Municipal Code** on Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Promise Road and U.S. Highway 16 South.

68. 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.
69. No. 07PL006 - A request by Centerline, Inc. for Broadmoor Homeowners' Association for a **Preliminary Plat** on Lots 39 and 40 of Broadmoor Subdivision Phase 1, formerly a portion of Lot B of Broadmoor Subdivision Phase 1 located in Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot A less Lot H1 and Lot B less Lot 12 revised thru 14 revised and Lot C Revised and Lot D of Broadmoor Subdivision Phase 1, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Sheridan Lake Road and Sunset Vista Road.
71. No. 07RZ004 – Second Reading, Ordinance No. 5251, An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as request by Boschee Engineering for OTS, Inc. for a **Rezoning from General Commercial District to Low Density Residential District** on a parcel of land located in the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: beginning at the found corner No. 3977 of the southwest corner of Section 22; thence N89°51'52"E along south section line of Section 22, 298.47 feet to the true point of beginning; beginning at a point; thence N89°51'52"E 195.37 feet; thence N00°01'07"W 458.25 feet; thence N00°02'33"E 199.35 feet; thence N00°02'33"E 317.97 feet; thence S53°48'13"W 78.46 feet; thence N68°58'39"W 24.58 feet; thence S23°19'30"W 120.85 feet; thence S12°21'02"W 160.14 feet; thence S00°00'00"E 112.04 feet; thence S26°16'50"W 217.16 feet; thence S16°04'27"W 91.13 feet; thence S16°04'27"W 46.34 feet; thence S10°12'24"W 126.12 feet; thence S88°50'10"E 129.50 feet; thence S00°04'44"W 105.50 feet; to the point of beginning; containing 4.48 acres more or less, located at the southern terminus of Bendt Drive.
72. No. 07RZ005 - Second Reading, Ordinance No. 5252, An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as request by Boschee Engineering for OTS, Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** on a parcel of land located in the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the found corner No. 3977 of the southwest corner of Section 22; thence N89°51'52"E along south section line of Section 22, 493.84 feet to the true point of beginning; thence N89°51'52"E 818.42 feet; thence N00°00'36"E 564.46 feet; thence N89°59'24"W 709.07 feet; thence N76°18'05"W 108.67 feet; thence N00°00'00"W 63.32 feet; along a curve to the left having a radius of 274.00 feet through a central angle of 23°19'30" along said curve having a chord

direction of N11°39'45"E; thence N23°19'30"E 113.52 feet; along a curve to the right having a radius of 476.00 feet through a central angle of 27°58'03" along said curve having a chord direction of N09°20'29"E; thence N04°38'33"W 36.30 feet; thence S85°21'27"W 69.30 feet; thence S06°18'31"W 135.46 feet; thence S53°48'13"W 26.53 feet; thence S00°02'33"W 317.97 feet; thence S00°02'33"W 199.35 feet; thence S00°01'07"E 458.25 feet; to the point of beginning; containing 11.31 acres more or less, located at the southern terminus of Bendt Drive.

***Continue the following items until April 16, 2007:***

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

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Chapman moved, second by LaCroix and carried to close the public hearing on Items 55 – 89.

The Mayor presented No. 07PL008, a request by Sperlich Consulting, Inc. for Joe Carlin for a **Preliminary Plat** on Lots 12 and 13 of Carlin Subdivision located in the W1/2 of the NW1/4 of the SE1/4, Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the west 354.46 feet of the NW1/4 of the SE1/4 except the north 158 feet thereof and except the north 375 feet of the south 641.34 feet thereof and except Bies Subdivision, Call Subdivision and Carlin Subdivision located in Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Crane Drive and Carlin Street. Hadcock moved, second by Hurlbut and carried to approve the Preliminary Plat with the following stipulations: 1. Prior to submittal of a Final Plat application, a different street name for "Mary Place" shall be submitted to the Emergency Services Communication Center for review and approval, and the plat document shall be revised to show the approved street name; 2. Prior to Preliminary Plat approval by the City Council, the applicant shall submit plans prepared by a Professional Engineer showing the location of proposed wells, water quantity, and storage capacity for domestic and fire flows; 3. Prior to Preliminary Plat approval by the City Council, plans for the septic system prepared by a Professional Engineer shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by the City Council, the applicant shall obtain an exception to the Street Design Criteria Manuel to allow a T-shaped turnaround in lieu of a cul-de-sac. This T-shaped turnaround shall also be approved by the Fire Department; 5. Prior to Preliminary Plat approval by Council, the applicant shall submit additional drainage information prepared by a Professional Engineer for the proposed Lot 12; 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.

### **CONSENT PUBLIC HEARING ITEMS** – Item 75 - 79

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

### **ALCOHOL LICENSES**

75. **Rapid City Fine Arts Council** for a special Beer and Wine License for an event scheduled February 23, 2007 at the Dahl Fine Arts Center, 713 7<sup>th</sup> Street
76. **Rapid City Fine Arts Council** for a special Beer and Wine License for an event scheduled February 24, 2007 at the Dahl Fine Arts Center, 713 7<sup>th</sup> Street
77. **Rapid City Area Chamber of Commerce** for a special Beer and Wine License for an event scheduled March 13, 2007 at the National American University, 5301 So. Hwy 16
78. **Allied Arts Fund Drive, Inc.** for a special Wine License for an event scheduled March 15, 2007 at the First Gateway Condominium Association, 333 West Boulevard
79. Rhonda Berger dba **Black Hills BBQ Company**, 1012 East North Street for a Retail (On-Off Sale) Malt Beverage License NO Video Lottery

END OF CONSENT PUBLIC HEARING ITEMS

### **NON-CONSENT PUBLIC HEARING ITEMS** – Items 80 – 89

The Mayor presented No. 06PD070, an **appeal of the Planning Commission's decision on a request by J Scull Construction for a Planned Residential Development - Initial and Final Development Plan** on Lots 1 thru 16, Evergreen Condominiums, and Lot B of Lot 14, less North 80 feet of the East 255 feet of Lot B, platted, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1626 Evergreen Street. Olson moved, second by Hurlbut and carried to continue the appeal to the March 19, 2007 Council meeting.

The Mayor presented No. 06UR024, an **appeal of the Planning Commission's decision on a request by Fisk Land Surveying and Consulting Engineers, Inc. for Rebecca and Robert Goosen for a Conditional Use Permit to allow the slaughter of animals and a meat processing and retail facility** on Lot A of Tract 2 of Kormylo Subdivision, located in Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of South Dakota Highway 79 and Minnesota Street. Olson moved, second by Chapman and carried to acknowledge the applicant's request to withdraw the application.

The Mayor presented No. 07CA002, a request by CETEC Engineering for Franklin O. Simpson to consider an application for an **Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan** on a parcel of land in the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 26 and the NE<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Commencing at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, Said point being monumented with an Iron rod; Thence S72°09'18"W along the Right-of-Way of Harmony Heights Lane a

distance of 52.00 feet to the True Point of Beginning, a point to become the new Northeast corner of Block 3 of Fountain Springs Park Subdivision. From said point, thence S72°11'11"W along the Right-of-Way of Harmony Heights Lane a distance of 267.40 feet; Thence through a non-tangent curve to the right having a radius of 230.00 feet and a chord bearing of N89°07'20"W and a chord length of 147.40 feet; Thence N70°22'48"W, 53.56 feet to a point, Said point being monumented with an Iron rod; Thence through a non-tangent curve to the right having a radius of 333.35 feet and a chord bearing of S38°32'11"W and a chord length of 158.68 feet to a point: Thence S00°01'15"E, 367.96 feet to a point, Said point being monumented with an Iron rod; Thence N89°40'53"E, 407.99 feet, Said point being monumented with an Iron rod and defining the location of the North-South section line between Sections 26 & 27. Thence N89°55'22"E, 375.38 feet to a point; Thence N00°04'38"W, 316.22 feet to a point; Thence N84°29'24"W, 52.96'; Thence N79°46'11"W, 113.48 feet; Thence N17°50'42"W, 220.00 feet to the Northeast corner of Block 3, being the True Point of Beginning, more generally described as being located near Harmony Heights Lane, Plaza Drive and Sunny Springs Drive. The following resolution was introduced, read, and Olson moved its adoption.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 19<sup>th</sup> day of February, 2007, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan on a parcel of land in the NW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 26 and the NE<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Commencing at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, Said point being monumented with an Iron rod; Thence S72°09'18"W along the Right-of-Way of Harmony Heights Lane a distance of 52.00 feet to the True Point of Beginning, a point to become the new Northeast corner of Block 3 of Fountain Springs Park Subdivision. From said point, thence S72°11'11"W along the Right-of-Way of Harmony Heights Lane a distance of 267.40 feet; Thence through a non-tangent curve to the right having a radius of 230.00 feet and a chord bearing of N89°07'20"W and a chord length of 147.40 feet; Thence N70°22'48"W, 53.56 feet to a point, Said point being monumented with an Iron rod; Thence through a non-tangent curve to the right having a radius of 333.35 feet and a chord bearing of S38°32'11"W and a chord length of 158.68 feet to a point: Thence S00°01'15"E, 367.96 feet to a point, Said point being monumented with an Iron rod; Thence N89°40'53"E, 407.99 feet, Said point being monumented with an Iron rod and defining the location of the North-South section line between Sections 26 & 27. Thence N89°55'22"E, 375.38 feet to a point; Thence N00°04'38"W, 316.22 feet to a point; Thence N84°29'24"W, 52.96'; Thence N79°46'11"W, 113.48 feet; Thence N17°50'42"W, 220.00 feet to the Northeast corner of Block 3, being the True Point of Beginning; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Amendment to the Adopted Comprehensive Plan be revise to change the Major Street Plan on a parcel of land in the NW¼ of the SW¼ of Section 26 and the NE¼ of the SE¼ of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Commencing at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, Said point being monumented with an Iron rod; Thence S72°09'18"W along the Right-of-Way of Harmony Heights Lane a distance of 52.00 feet to the True Point of Beginning, a point to become the new Northeast corner of Block 3 of Fountain Springs Park Subdivision. From said point, thence S72°11'11"W along the Right-of-Way of Harmony Heights Lane a distance of 267.40 feet; Thence through a non-tangent curve to the right having a radius of 230.00 feet and a chord bearing of N89°07'20"W and a chord length of 147.40 feet; Thence N70°22'48"W, 53.56 feet to a point, Said point being monumented with an Iron rod; Thence through a non-tangent curve to the right having a radius of 333.35 feet and a chord bearing of S38°32'11"W and a chord length of 158.68 feet to a point: Thence S00°01'15"E, 367.96 feet to a point, Said point being monumented with an Iron rod; Thence N89°40'53"E, 407.99 feet, Said point being monumented with an Iron rod and defining the location of the North-South section line between Sections 26 & 27. Thence N89°55'22"E, 375.38 feet to a point; Thence N00°04'38"W, 316.22 feet to a point; Thence N84°29'24"W, 52.96'; Thence N79°46'11"W, 113.48 feet; Thence N17°50'42"W, 220.00 feet to the Northeast corner of Block 3, being the True Point of Beginning as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 19<sup>th</sup> day of February, 2007.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

(SEAL)

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

The Mayor presented No. 07CA003, a request by CETEC Engineering for Franklin O. Simpson for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial** on Tract P of Fountain Springs Business Park and dedicated public right-of-way in the S1/2 of the NE1/4 and the N1/2 of the SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the corner of North Plaza Drive and Fountain Plaza Drive. The following resolution was introduced, read, and Olson moved its adoption.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 19<sup>th</sup> day of February, 2007, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial would revise the Future Land Use Plan on Tract P of Fountain Springs Business Park and dedicated public right-of-way in the S1/2 of the NE1/4 and the N1/2 of the SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial, be amended to change the Future Land Use designation on Tract P of Fountain Springs Business Park and dedicated public right-of-way in the S1/2 of the NE1/4 and the N1/2 of the SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 19<sup>th</sup> day of February, 2007.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

(SEAL)

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

The Mayor presented No. 07CA004, a request by City of Rapid City for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to Low Density Residential with a Planned Residential Development** on Lots 1 thru 6 of Tract A and Lots 7 and 8 of Tract B all of Lot 1 of New Park Subdivision (formerly Tracts A and B of Lot 1 of New Park Subdivision) located in the NW1/4 of the SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and south of Kathryn Avenue. The following resolution was introduced, read, and Olson moved its adoption.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 19<sup>th</sup> day of February, 2007, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to Low Density Residential with a Planned Residential Development, on Lots 1 thru 6 of Tract A and Lots 7 and 8 of Tract B all of Lot 1 of New Park Subdivision (formerly Tracts A and B of Lot 1 of New Park Subdivision) located in the NW1/4 of the SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to Low Density Residential with a Planned Residential Development, on Lots 1 thru 6 of Tract A and Lots 7 and 8 of Tract B all of Lot 1 of New Park Subdivision (formerly Tracts A and B of Lot 1 of New Park Subdivision) located in the NW1/4 of the SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 19<sup>th</sup> day of February, 2007.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

(SEAL)

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

No. 07CA005 - Section 22, T1N, R7E – A request by Boschee Engineering for OTS, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a collector street** on a parcel of land described as the SW1/4 of Section 22, T1N, R7E, and the N1/2 of the NW1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Nugget Gulch Road. The following resolution was introduced, read, and Olson moved its adoption.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 19<sup>th</sup> day of February, 2007, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a collector street on a parcel of land described as the SW1/4 of Section 22, T1N, R7E, and the N1/2 of the NW1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a collector street on a parcel of land described as the SW1/4 of Section 22, T1N, R7E, and the N1/2 of the NW1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 19<sup>th</sup> day of February, 2007.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

(SEAL)

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

The Mayor presented No. 07RZ001, second reading of Ordinance No. 5248, An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as request by City of Rapid City for a **Rezoning from No Use District to Medium Density Residential District** on the north 405.96 feet strip of land, 33 feet wide adjacent to the easterly boundary of the SE1/4 of the NE1/4, located in Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Country Road West. Notice of hearing was published in the Rapid City Journal on February 10, 2007 and February 17, 2007. Ordinance No. 5248 having had the first reading on February 5, 2007, Kooiker moved, second by Schumacher that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5248 the second time.

The Mayor presented No. 07RZ002, second reading of Ordinance No. 5249, An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as request by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on a 33 foot wide strip of land adjacent to the easterly boundary of Section 14 beginning 430.21 feet north of the southeast corner of the NE1/4 of the SE1/4 and ending 405.96 feet south of the northeast corner of the SE1/4 of the NE1/4, located

in Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Country Road West. Notice of hearing was published in the Rapid City Journal on February 10, 2007 and February 17, 2007. Ordinance No. 5249 having had the first reading on February 5, 2007, Kooiker moved, second by LaCroix that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5249 the second time.

The Mayor presented No. 07RZ003, second reading of Ordinance No.5250, An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as request by City of Rapid City for a **Rezoning from No Use District to Medium Density Residential District** on a 33 foot wide strip of land adjacent to the easterly boundary and extending 430.21 feet north of the southeast corner of the NE1/4 of the SE1/4, and a 33 foot wide strip of land adjacent to the easterly boundary of the N1/2 of the SE1/4 of the SE1/4, all located in Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Country Road West. Notice of hearing was published in the Rapid City Journal on February 10, 2007 and February 17, 2007. Ordinance No. 5250 having had the first reading on February 5, 2007, Kooiker moved, second by LaCroix that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5250 the second time.

The Mayor presented No. 07RZ006, second reading of Ordinance No. 5253, An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as request by CETEC Engineering for Franklin O. Simpson for a **Rezoning from General Agriculture to Light Industrial** on Tract P of Fountain Springs Business Park and dedicated public right-of-way in the S1/2 of the NE1/4 and the N1/2 of the SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the corner of North Plaza Drive and Fountain Plaza Drive. Notice of hearing was published in the Rapid City Journal on February 10, 2007 and February 17, 2007. Ordinance No. 5253 having had the first reading on February 5, 2007, Olson moved, second by Kroeger that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Chapman, Johnson, LaCroix, Hurlbut, and Hadcock; NO: None; ABSTAINING: Kooiker; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5253 the second time.

**BILLS**

The following bills having been audited, it was moved by Chapman, second by Hurlbut to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof. Substitute motion was made by Schumacher, second by Johnson to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof, less payment to Wells Fargo. Motion carried

Payroll Paid Ending 02-03-07, Paid 02-09-07	865,878.52
Payroll Paid Ending -02-03-07, Paid 02-09-07	3,469.60
Pioneer Bank, Taxes Paid 02-09-07	203,628.67
Pioneer Bank, Taxes Paid 02-09-07	236.76
First Administrators, claims paid 02-07-07	198,606.99
First Administrators, claims paid 02-14-07	40,820.38

**CITY COUNCIL****FEBRUARY 19, 2007**

South Dakota Retirement System, January retirement	343,948.04
Berkley Risk Administrators, claim payment	21,332.39
Black Hills Power & Light, electricity	18,328.79
Montana Dakota Utilities, gas	10,429.32
West River Electric Association, electricity	17,054.19
United States Postmaster, postage	1,800.00
Computer Bill List	<u>2,757,881.85</u>
Subtotal	\$4,483,415.50
Payroll Paid Ending 02-03-07, Paid 02-09-07	2,780.79
Pioneer Bank, Taxes Paid 02-09-07	197.93
South Dakota Retirement System, January retirement	307.18
Charles Braunersrither, Volunteer stipend	150.00
City of Rapid City, postage	0.19
City of Rapid City, health insurance	1,178.00
Prairie Wave Communications, telephone	30.72
Standard Life, life insurance	7.00
Wells Fargo Corporate Card, Weeks registration	<u>355.00</u>
Subtotal	\$4,488,422.31
MAC Construction Co., Inc. CO #1, MIP06-1602	5,259.00
Stanley J. Johnsen Concrete, CO #1, SSW04-1393	4,804.08
Sungard Bi-Tech, IFAS Support	24,077.40
Site Works Specialists, CO #1, SS06-159	<u>12,706.77</u>
Subtotal	\$4,535,269.56
Wells Fargo, lodging, Okrepkie	<u>(716.33)</u>
Total	\$4,534,553.23

Schumacher moved, second by Chapman to continue the payment to Wells Fargo to the March 5, 2007 Council meeting. Motion carried with Hurlbut voting NO.

**EXECUTIVE SESSION**

Schumacher moved, second by Olson and carried to go into Executive Session at 8:43 P.M. for the purpose of discussing potential litigation, contractual and personnel matters. The Council came out of Executive Session at 10:12 P.M. with all members present.

Hurlbut moved, second by LaCroix and carried to authorize the offer to the Community Planning Coordinator candidate at Step L.

LaCroix moved, second by Schumacher and carried to authorize the offer to the Transportation Planning Coordinator candidate at Step O.

LaCroix moved, second by Schumacher and carried to authorize the placement of Patricia Pummel on the ACE Coordinator position at Grade 11, Step N.

**ADJOURN**

As there was no further business to come before the Council at this time, the meeting adjourned at 10:13 P.M.

ATTEST:

CITY OF RAPID CITY

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

\_\_\_\_\_  
Mayor

(SEAL)