

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

March 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, March 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, Bill Okrepkie, Bob Hurlbut, and Deb Hadcock; and the following Alderpersons arrived during the course of the meeting: None, and the following were absent: None.

ADOPTION OF AGENDA

The following items were added to the agenda:

- Set for hearing on April 2, 2007 a special Beer and Wine License for Wildlife Experiences, Inc. for an event scheduled April 13, 2007 at Prairie Edge, 606 Main Street
- Storm Water and Drainage Report
- Bus Bench Report and Request
- No. PW022806-22, change "rescind" to "amend"
- Executive Session

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

APPROVE MINUTES

Chapman moved, second by Schumacher and carried to approve the minutes of March 5, 2007 with a correction to item #117 -- correcting the project title to 6th Street and Hillcrest Watermain Extension Project No. W05-1521; and correct the minutes of February 5, 2007, item #44 -- correcting the project title to 6th Street and Hillcrest Watermain Extension Project No. W05-1521.

AWARDS AND RECOGNITIONS

Mayor Shaw presented the Veteran of the Month for March, 2007 to Dale L. Treloar and recognized his efforts and dedication to the service of his country and community.

Mayor Shaw presented a Certificate of Recognition to Edward Rodriguez and acknowledged his 20 years of service to the Rapid City Police Department.

GENERAL PUBLIC COMMENT

David Gibson, President of the Black Hills Chapter Honda Riders of America came before the City Council explaining that it came to the attention of the club that the City was looking at new bus benches and possibly needing financial help to get those benches. He indicated that the club decided they would try to help the City with procuring at least two of those bus benches. Mr. Gibson presented the Mayor with a check in the amount of \$426; and also expressed

interest in the "Adopt-A-Bench" program when implemented and asked to adopt the bus bench on 5th Street in the vicinity of the Holiday Inn.

Steven Brenden, Rapid City announced the formation of the Canyon Lake Neighborhood Association.

NON-PUBLIC HEARING ITEMS -- Items 3 - 72

Chapman moved, second by Schumacher and carried to open public comment on Items 3-46. No comments were offered. Chapman moved, second by Johnson and carried to close public comment on Items 3-46.

CONSENT ITEMS – Items 3 - 46

The following items were removed from the Consent Items:

7. Wyngard Pot-O-Gold Casino, Inc. dba Luck D's Casino, 1339 E. St. Patrick Street for a Retail (On-Off Sale) Malt Beverage License
- 9.A. Wildlife Experiences, Inc. for a special Beer and Wine License for an event scheduled April 13, 2007 at Prairie Edge, 606 Main Street
20. No. LF031407-01 - Request staff to stay enforcement of the action taken by the Development Appeals and Review Board for demolition of garage at 724 Holcomb Avenue
42. No. 06PL191 - A request by D. C. Scott Co. Land Surveyors for G. E. Commercial Finance for a **Preliminary Plat**, located on the west side of South Highway 16 and south of Fox Road.

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

Set for Hearing (April 16, 2007)

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

Alcoholic Beverage License Applications Set for Hearing (April 2, 2007)

5. **Rapid City Library Foundation, Inc.** for a special Beer and Wine License for an event scheduled April 14, 2007 at Prairie Edge, 606 Main Street
6. **Rapid City Area Chamber of Commerce** for a special Beer and Wine License for an event scheduled April 10, 2007 at Golden West, 1935 Fountain Plaza Drive
8. **609 Main, Inc.** dba Delmonico Grill, 609 Main Street for a Retail (On-Sale) Wine License
9. **609 Main, Inc.** dba Delmonico Grill, 609 Main Street for a Retail (On-Off Sale) Malt Beverage License

Wildlife Experiences, Inc. for a special Beer and Wine License for an event scheduled April 13, 2007 at Prairie Edge, 606 Main Street

Public Works Committee Consent Items

10. No. CC030507-02 – Approve bid award for the Well 12 and Stoney Creek Booster Station Project No. W03-953 / CIP No. 50318 to the lowest responsible bidder meeting specifications, Heavy Constructors, Inc. for the low unit prices bid, for a total contract amount of \$1,798,900.00.
11. No. PW031407-03 – Approve Change Order No. 1 for Generator Equipment Procurement for Well #12 - Stoney Creek Booster Station, Project No.: W03-953.E1 / CIP #50318 to Butler Machinery Company for an increase of \$5,431.97.
12. No. PW031407-05 – Authorize staff to advertise for bids for Raider Road Water Main Loop Project No. W07-1601 / CIP #50475.
13. No. PW031407-06 – Authorize staff to advertise for bids for 2007 Street Painting Contract Project No. PM07-1615 / CIP #50594.
14. No. PW031407-07 – Authorize the Mayor and Finance Office to sign a Professional Services Agreement with CETEC Engineering Services, Inc. for Well No. 8 Pump Replacement; Project No. W07-1644 / CIP #50677 for an amount not to exceed \$7,740.00.
15. No. PW031407-08 – Authorize the Mayor and Finance Officer to sign a Professional Services Agreement with Azteca Systems, Inc. for Computer Maintenance Management System (CMMS) software for the Utility System Master Plan Project; Project No. PW05-1447 for an amount not to exceed \$35,555.00.
16. No. PW031407-10 - Approve the proposal with G.J. Holsworth & Son, Inc. for Snow Removal for the City School Administration Building, Milo Barber Transportation Center, and the Rapid City Public Library for 2007; and request staff to make a greater effort to obtain other bids for 2008 service.
17. No. PW022707-20 – Deny without prejudice, a request to **authorize the preparation of and acceptance of a deed for a Drainage Lot** on 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.
18. No. 07VE003 - Approve with stipulations, a **Vacation of Non-Access Easement** for petitioner Dream Design International, Inc. on Lot 1 of Block 9 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest corner of the intersection of Prestwick Road and Muirfield Drive.

RESOLUTION OF VACATION
OF UTILITY AND DRAINAGE EASEMENT

WHEREAS it appears that a portion of the utility and drainage easement on Lot 1 of Block 9 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest corner of the intersection of Prestwick Road and Muirfield Drive, is no longer needed for public purposes; and

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

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

Dated this 19th day of March, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

19. No. PW031407-11 - Approve with stipulations, the **preparation of an H-Lot** for petitioner Boschee Engineering on the SW1/4 SW1/4, W1/2 SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota (07SR013).

Legal & Finance Committee Consent Items

21. No. LF031407-02 – Authorize the Mayor and Finance Officer to sign Korean War Veterans Post 160 fly over request.
22. No. LF031407-03 – Acknowledge Capital Improvements Program Committee monthly update for February, 2007.
23. No. LF031407-04 – Approve the carryover for the Capital Plan for Streets, Drainage, MIP Projects from 2006 to 2007 in the amount of \$5,107,148.
24. Approve the Government Buildings 2006 Carryover Projects of the Milo Barber Transportation Center remodel for \$15,831.00; Canyon Lake/Sheridan Lake Road Irrigation for \$70,300.00; and Automatic Irrigation for \$35,000.00.
25. No. LF031407-05 – Approve the reallocation of 2007 Parks & Recreation CIP Funds.
26. No. LF031407-06 – Approve Event Permit for 2007 International Bison Conference to be held July 26, 2007.
27. No. LF031407-07 – Approve Travel Request for Mike Thompson and Kurt Klunder to attend Fire-Rescue Med in Las Vegas, NV, April 30-May 2, 2007, in the approximate amount of \$2,933.05.
28. Approve Travel Request for Randy Raue and Mark Kirchgessler to attend FDIC Conference in Indianapolis, Indiana, April 17-21, 2007, in the approximate amount of \$2,524.
29. Approve Travel Request for Denise Rossum to attend ABC3 & Billing Boot Camp in Temecula, CA, March 27-28, 2007, in the approximate amount of \$1,761.
30. No. LF031407-19 - Approve no cost time extension for National Trust from April 30, 2007, to December 31, 2007.
31. Acknowledge the following volunteers for workmen compensation purposes: Jessica Jenson, Rebecca Baker, Joyce Hatch, Marion Galles, Kirstin Stauffacher, Victoria McIntosh, Phyllis Martens, Rebecca Jeffers, Rob Burd.
32. No. LF031407-08 – Approve Resolution Establishing a Policy for Providing Employment-Related Information.

RESOLUTION ESTABLISHING A POLICY FOR PROVIDING
EMPLOYMENT-RELATED INFORMATION

WHEREAS, the City of Rapid City does not currently have a policy that addresses the mechanism for providing employment-related information to prospective employers of former and current City employees; and

WHEREAS, there is a significant risk of liability to the City when employment-related information is disclosed to third parties; and

WHEREAS, the Rapid City Common Council deems it in the best interest of the City of Rapid City to adopt a policy that protects the taxpayers of the City of Rapid City from potential liability and provides a mechanism that allows for the disclosure of employment-related information.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the following policy is hereby adopted:

The purpose of this policy is to outline the procedure for providing employment verifications, any personal or employment-related information, or personal or employment related references. In the absence of the City's Employment Reference Release signed by a former or present employee, only information regarding the beginning and ending dates of employment and salary will be released in writing by the Human Resource Department.

This policy applies to all employees of the City of Rapid City and includes providing employment verifications, any personal or employment-related information, or personal or employment-related references about former and current employees.

The following procedure must be observed by all employees when requests for employment verifications, any personal or employment-related information, or personal or employment-related references are made. Discipline for failure to follow this procedure will be commensurate with the severity and/or frequency of the offense and may include termination of employment. Additionally, violations of this policy can expose the individual and the City to liability.

Any employee who receives a request for employment verifications, for personal or employment-related information, or for personal or employment references shall first refer the request to the Human Resource Department.

The Human Resource Department will require all requests be in writing and on the organization's letterhead. Oral requests for information will not be accepted.

Former and present employees may sign the City's Employment Reference Release. Upon the Human Resource Department receiving the signed Employment Reference Release, the Human Resource Department or the present or former employee's respective Department Director may release truthful information regarding the current or former employee.

Dated this 19th day of March, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

s/ Jim Shaw, Mayor

(SEAL)

- 33. No. LF031407-09 – Approve Resolution Establishing a Policy for Designating Leave as Either Paid or Unpaid under the Family Medical Leave Act.

RESOLUTION ESTABLISHING A POLICY FOR DESIGNATING LEAVE AS
EITHER PAID OR UNPAID UNDER THE FAMILY MEDICAL LEAVE ACT

WHEREAS, the City of Rapid City is subject to the Federal Family Medical Leave Act; and

WHEREAS, under the Family Medical Leave Act, employees are entitled to take leave in certain situations; and

WHEREAS, the City is entitled to designate leave taken under the form of the Family Medical Leave Act as either paid or unpaid; and

WHEREAS, the Rapid City Common Council deems it in the best interest of the City of Rapid City to establish a policy for the designation of leave as either paid or unpaid under the Family Medical Leave Act.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the following policy for the designation of leave under the Family Medical Leave Act is hereby adopted:

An employee eligible for benefits under the Family Medical Leave Act (FMLA) shall use his or her Part A Sick Leave, Part B Sick Leave, and Annual Leave in conjunction with FMLA leave in the following manner:

- a. The employee, if eligible, shall use Part A Sick Leave and Part B Sick Leave in accordance with the provisions that cover these leaves.
- b. In the event an employee has exhausted his or her Part B Sick Leave, or in the event an employee is not eligible for sick leave, the employee shall use his or her annual leave down to at least 40 hours prior to the granting of non-paid FMLA Leave. Employees may retain up to 40 hours of Annual Leave before choosing unpaid leave or may use all Annual Leave.
- c. Annual leave will not accrue during periods of unpaid FMLA leave.

Dated this 19th day of March, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 34. No. LF031407-10 – Approve Resolution Declaring Property Surplus for Ambulance, Fire, Police and Water Reclamation.

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:

AMBULANCE:

Lifepack 12 Monitor S/N: 12091643 Inv # 010128
Lifepack 12 Heart Monitor S/N: 33818777 Inv # 010147

FIRE:

Lifepack 12 Defibrillator S/N: 31242376 Inv #: 014012
Lifepack 12 Defibrillator S/N: 10998260 Inv #: 019556
Lifepack 12 Defibrillator S/N: 11558447 Inv #: 019877

POLICE

1984 Chevrolet 80 Bus S/N: 2GBHG31M1E4162817, MILEAGE 77,656

WATER RECLAMATION

Methane Gas Scrubber Inv # 17416 completely corroded

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 19th day of March, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 35. No. LF031407-11 – Approve Travel Request for Erin Goeden to attend AEA International Aquatics Fitness Conference in Orlando, FL, May 14-19, 2007, in an approximate amount of \$2,370.
- 36. No. LF031407-13 – Acknowledge raffle request from South Dakota School of Mines & Technology (Lutheran Campus Ministries) to hold raffle.
- 37. No. LF031407-14 – Acknowledge raffle request from Harney League Sports.
- 38. No. LF031407-15 – Acknowledge raffle request from Black Hills Prospecting Club.

39. No. LF031407-16 – Approve abatement for Donald Dodge - \$231.58.
40. Approve the following licenses: Residential Contractor: Ronald Huntley, Huntley Construction and William Reishus, Custom Concrete Cutting; House Mover: Zane Pettyjohn & Clay Kratovil, Johnvil Enterprises; Mechanical Apprentice: Lance Mayer, Mark Little, Joseph Peck, Aaron Johnson, Jeremy Trautner, William Peterson, Jesse Anderson, Tylor Bedford, Jared Chilstrom, Jerald Cihak, Joshua Davis, David Deal, Matthew Gahl, Christopher Hansen, Tim Hillestad, Travis Lykken, Dan Michael, Scott Miller, Mitch Shaffer, John Shook, Timothy Simon, Leonard Snavely, Thomas Tatum, Sage Thomas, and Ray Waisanen; Mechanical Contractor: Mark DePerte, Mark's Home Services LLC; Bryan Hermanson, H & W Heating & Air Conditioning Inc; Milford Kast, K & K Sheet Metal; Curt Wieman, Wieman Plumbing; Wayne Piebenga, Wyo-Dak Plumbing & Heating; Johnathan Gehlsen, Extreme Heating & Cooling; Roland Fielder, Mike's Mobile Home Service; Lee Estes, Aero Sheet Metal; Bill Brown, Central States Mechanical; Kenneth Noble, Noble Heating & Air Conditioning; Brian Staton, Triple S LLC; John Hammond Jr., Action Mechanical; and Chris Johnson, Action Mechanical; Mechanical Installer: Dana Dusek, Mark DePerte, John B Thompson III, Marvin Anderson, James Copeland, Shawn Kast, Gary Merritt, Clyde Miller, Richard Petersen, Johnny Reede, Richard Reif, Jason Duwenhoegger, Pat Paulsen, Steven Armour, Barry Bugenhagen, Mike Dickson, Ron Wagner, Brent Wang, Brad Madsen, Philip Pulse, Justin Burke, Edwin Noble, Kenneth Noble, Mike Anderson, Joel Brown, Robert Caswell, Mark Chilstrom, Craig Chmelka, Franklin Durst, Troy Hastings, Todd Johnson, Paul Saenz, Shannon Sailer, Mark Thomas, Donald Tischler Jr., Elias Wilson, Brian Wipf, and David Wipf; Electrical Journeyman: Richard Heintzman; Electrical Class B: William Flockhart, Avalon Construction; Electrical Contractor/Master: Jeremy Anderson, Power Plus Electric Inc.

Growth Management Department Consent Items

41. 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. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submission of the Final Plat application, nine feet six inches of additional right-of-way shall be identified along Aviation Road for that portion that abuts the property being subdivided; and, 2. Upon submission of the Final Plat application a non-access easement shall be identified along the full frontage of Aviation Road.)
43. No. 07AN001 - A request by Dream Design International, Inc. for a **Petition for Annexation** on Government Lot 3 and the SE1/4 of the NW1/4, less Lot A, located in Section 4, T1N, R8E, BHM, Pennington County, South Dakota, located east of Valley Drive and west of Concourse Drive. (PETITION FOR ANNEXATION IS APPROVED CONTINGENT ON ANY PAYMENT DUE TO THE RAPID VALLEY FIRE PROTECTION DISTRICT.)

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS, a petition has been filed with the City that was signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed; and

WHEREAS, the territory that the petitioners are seeking to have annexed is contiguous to the City of Rapid City; and

WHEREAS the City Council of the City of Rapid City deems it to be in the best interest of the City that the territory described in the petition be annexed and thereby included within the corporate limits of the City.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the following territory, containing 81.03, more or less, is hereby included within the corporate limits of the City and annexed thereto:

Government Lot 3 and the SE1/4 of the NW1/4, less Lot A, located in Section 4, T1N, R8E, BHM, Pennington County, South Dakota.

Dated this 19th day of March, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 44. No. 07PL024 - A request by Joe Ratigan for a **Layout Plat** on the NE1/4 NE1/4 NE1/4, and the SE1/4 NE1/4 NE1/4, Section 14, T1N, R6E, BHM, Pennington County, South Dakota, located at 8109 and 8115 West Highway 44. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed; 2. Upon submittal of a Preliminary Plat a grading and erosion plan shall be submitted for review and approval; 3. Upon the submittal of a Preliminary Plat application, construction plans for the east-west section line highway shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer, or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. In addition, a Variance to the Subdivision Regulations shall be obtained to allow platting half of a right-of-way if needed; 4. Upon the submittal of a Preliminary Plat application, construction plans for the north-south section line highway shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer, or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be

vacated. In addition, a Variance to the Subdivision Regulations shall be obtained to allow platting half of a right-of-way if needed; 5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater treatment systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater treatment systems shall be submitted for review and approval; 6. Upon submittal of a Preliminary Plat, drainage information shall be submitted for review and approval. In particular the drainage plan shall include calculations demonstrating that developed flows from the site do not exceed predeveloped flows; 7. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; 9. Prior to submittal of a Preliminary Plat, the applicant shall submit a proposed street name to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name; 10. Prior to submittal of a Final Plat application, the northern portion of the subject property shall be rezoned to Low Density Residential, or a variance shall be obtained to reduce the lot size requirement from Pennington County and, 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

45. No. 07PL025 - A request by Sperlich Consulting, Inc. for Robert Scull for a **Preliminary Plat** on Lots 1 thru 10 of Block 2 of Commerce Park Subdivision, located in the E1/2 of the SW1/4 of the SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 of the SW1/4 of the SE1/4, and the N1/2 of the SE1/4 of the SW1/4 of the SE1/4, all in Section 27, T2N, R7E, located in the E1/2 of the SW1/4 of the SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to Fountain Plaza Drive between South Plaza Drive and Commerce Road. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, the street construction plans for Sophia Court shall be revised to show the street extending to the east lot line of the subject property. In particular, the construction plans shall show the street located within a 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Preliminary Plat approval by the City Council, water system plans demonstrating that adequate fire and domestic flows are being provided shall be submitted for review and approval; 3. Prior to Preliminary Plat approval by the City Council, construction plans showing the construction of a sewer main along Fountain Plaza Drive located north of the intersection of Sophia Court and Fountain Plaza Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 4. 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; 5. Prior to submittal of a Final Plat application, the plat document shall be revised to show drainage easements as needed; 6. Prior to submittal of a Final Plat application, the plat document shall be revised to show a 50 foot non-access easement along the corners of Lot 1 and Lot 8 measured from the

end of curb radius; 7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

46. No. 07PL028 - A request by D. C. Scott Co. Land Surveyors for Floyd and Carla Jakeway for a **Preliminary Plat** on Lot 4R of Block 5 of the replat of Harney Peak View Addition, located in the E1/2 NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 4 of Block 5, and Lot B of Lot 6 of Block 2 of the Replat of Harney Peak View Addition, located in the E1/2 NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, located at 3712 Dawn Lane. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. 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; 2. Prior to City Council approval of the Preliminary Plat, construction plans for Dawn Lane shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 4.5 feet of additional right-of-way; 3. Prior to City Council approval of the Preliminary Plat, construction plans for School Drive shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 5. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along School Drive; 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.)

END OF CONSENT CALENDAR

Johnson moved, second by Schumacher and carried to set for hearing on April 2, 2007 an Alcoholic Beverage License application for Wyngard Pot-O-Gold Casino, Inc. dba Luck D's Casino, 1330 E. St. Patrick Street for a Retail (On-Off Sale) Malt Beverage License Transfer from Wyngard Pot-O-Gold Casino, Inc. dba Jackson Blvd. Casino, 2020 Jackson Blvd.

Hadcock moved, second by Schumacher and carried to set for hearing on April 2, 2007 a special Beer and Wine Alcoholic Beverage License application for Wildlife Experiences, Inc. for an event scheduled April 13, 2007 at Prairie Edge, 606 Main Street.

The Mayor presented No. LF031407-01, a request to staff to stay enforcement of the action taken by the Development Appeals and Review Board for demolition of a garage at 724

Holcomb Avenue to allow Norma Knight 60 days to make the recommended improvements on the garage. City Attorney Green reminded the City Council, that by ordinance, they have delegated final decision making authority in these matters to the Development Appeals and Review Board (DARB). He encouraged the Council not to direct staff to take action that is contrary to the ordinance, or refrain from taking action. To do so, opens the City to the potential for liability and mandamus, and that includes responsibility for attorney's fees up to a certain dollar amount. Green recommended the Council deny the item and allow the staff to proceed in accordance with the decision from the DARB.

Okrepkie moved, second by Schumacher to deny No. LF031407-01, a request to staff to stay enforcement and allow staff to proceed in accordance with the decision from the DARB relative to the demolition of a garage at 724 Holcomb Avenue. Alderman Kooiker indicated that the motion at Committee was unanimous to stay the enforcement of the action for 60 days to allow Norma Knight to make the recommended improvements to the garage. He explained that Norma Knight indicated her inability to attend the DARB meeting was due to the illness of her son. He noted that Norma Knight, on record, has promised to correct the situation within the 60 days. If not done at that time, enforcement of the demolition will proceed.

Substitute motion was made by Kooiker, second by Chapman to request staff to stay enforcement of the action taken by the Development Appeals and Review Board for demolition of a garage at 724 Holcomb Avenue to allow Norma Knight 60 days to make the recommended improvements on the garage. Alderman LaCroix explained that staff mail certified letters to Norma Knight, who refused delivery of the certified mail. Alderman Hurlbut believed the property owner had a viable plan to improve the structure. Alderman Okrepkie offered support of the ordinance that gave the DARB final authority and asked the Council to be consistent. Alderman Hadcock suggested the costs could be more to rehabilitate the structure than building a new structure. Alderman Kroeger asked the Council to give the property owner 60 days to make improvements to the garage. Alderman Johnson offered a compromise and suggested the Council give the property owner 30 days to begin making the improvements, with a possible 30 day extension if more time is need to complete the improvements. Responding to a question from Alderman Hurlbut, Green indicated that the question pre-supposes that the Council has any authority in the matter. The Council has given all its authority in this matter to the DARB.

Chapman moved, second by Okrepkie and carried to call the question.

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

Substitute motion was made by Kooiker, second by Hurlbut to request staff to stay enforcement of the action taken by the Development Appeals and Review Board for demolition of a garage at 724 Holcomb Avenue to allow Norma Knight 30 days to make the recommended improvements on the garage; and a 30 day extension assuming work has commenced. Upon a roll call vote on the motion, motion carried with the following voting AYE: Kroeger, Kooiker, Chapman, Johnson, Hurlbut, and Hadcock; NO: Olson, LaCroix, Okrepkie, and Schumacher.

Okrepkie moved, second by LaCroix and carried to continue 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 to the April 2, 2007 Council meeting.

Johnson moved, second by Schumacher and carried to open public comment on Items 47 -72. Connie Suto, Piece of Cake addressed Item #58 (No. LF022807-41) commenting that this is the compromise among the residents and businesses of the area. Suto asked that signs be posted, as soon as possible, relating to the two-hour parking in order to detour some those individuals who park all day. She asked that the signs be posted before the ordinance becomes effective. Steven Brenden, Rapid City addressed Item #58, supporting the change in the parking. Chapman moved, second by Olson and carried to close public comment on Items 47-72.

NON-CONSENT ITEMS – Items 47 - 72

ORDINANCES

Ordinance No. 5268 (No. LF031407-12), Amending the International Fire Code to Allow Novelty Fireworks by Adding Section 8.24.020 to Chapter 8.24 of the Rapid City Municipal Code was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5268 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, April 2, 2007.

Ordinance No. 5270 (No. 07RZ013), An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as requested by John Diedrichs for Dawn Mazzio for a **Rezoning from Park Forest District to Low Density Residential District** on Lot 3 of Tract B of Springbrook Acres, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Golden Eagle Drive and north of Catron Boulevard was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5270 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, April 2, 2007.

Ordinance No. 5271 (No. 07RZ014), An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as requested by Rimrock Estates, LLC for Heavy Constructors, Inc. for a **Rezoning from Flood Hazard District to Medium Density Residential District** on Lot 1 of Knecht Park Subdivision, Sections 8 and 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Idlehurst Lane and Jackson Boulevard was introduced. Okrepkie moved, second by LaCroix that Ordinance No. 5271 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, April 2, 2007. Substitute motion was made by Olson, second by Johnson to table First Reading of Ordinance No. 5271 at the applicant's request. Motion carried.

Ordinance No. 5272 (No. 07RZ015), 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 General Agriculture District to General Commercial District** commencing at a Point, Said Point Being the Northeast Corner of the

Intersection of Spruce Street and Farnwood Avenue; THENCE S78°28'21"E 1307.95' To The POINT OF BEGINNING. THENCE S00°14'24"W 247.21'; THENCE S00°14'24"W 6.68'; THENCE N60°50'50"W 252.30'; THENCE N60°50'50"W 364.08'; THENCE S61°23'38"E 613.20'; THENCE N00°14'32"E 247.21' To The POINT OF BEGINNING, The Whole Enclosing an Area of 0.04 ACRES, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Farnwood Avenue was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5272 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, April 2, 2007.

Ordinance No. 5257 (No. LF022807-15), to Move the Day of Regularly Scheduled Council Meetings that Coincide with Federal Holidays by Amending Section 2.08.010 of the Rapid City Municipal Code having passed first reading on March 5, 2007; Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5257 was declared duly passed upon its second reading.

Ordinance No. 5258 (No. LF022807-35), Regulating the Brightness of Off-Premises Signs by Amending Section 15.28.160 of the Rapid City Municipal Code having passed first reading on March 5, 2007; Okrepkie moved, second by Hurlbut that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5258 was declared duly passed upon its second reading.

Ordinance No. 5259 (No. LF022807-36), Regulating the Brightness of Miscellaneous Signs by Amending Section 15.28.220 of the Rapid City Municipal Code having passed first reading on March 5, 2007; Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5259 was declared duly passed upon its second reading.

Ordinance No. 5260 (No. LF022807-37), Regulating the Brightness of On-Premises Ground Signs by Amending Section 15.28.200 of the Rapid City Municipal Code having passed first reading on March 5, 2007; Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5260 was declared duly passed upon its second reading.

Ordinance No. 5261 (No. LF022807-38), Regulating the Brightness of On-Premises Wall Signs by Amending Section 15.28.190 of the Rapid City Municipal Code having passed first reading on March 5, 2007; Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5261 was declared duly passed upon its second reading.

Ordinance No. 5262 (No. LF022807-39), Revising Definitions under the City's Sign Code by Amending Section 15.28.010 of the Rapid City Municipal Code having passed first reading on March 5, 2007; Okrepkie moved, second by Hurlbut that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix,

Okrepkie, Hurlbut and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5262 was declared duly passed upon its second reading.

Ordinance No. 5263 (No. LF022807-40), Allowing Existing Non-Conforming Off-Premises Signs to be Structurally Altered so that They Can be Brought into Compliance with the Sign Code by Amending Section 15.28.240 of the Rapid City Municipal Code having passed first reading on March 5, 2007; Okrepkie moved, second by Hurlbut that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5263 was declared duly passed upon its second reading.

Ordinance No. 5264 (No. LF022807-41), Amending the Two-Hour Parking Zone by Amending Section 10.44.010(A) of Chapter 10.44 of the Rapid City Municipal Code having passed first reading on March 5, 2007; Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5264 was declared duly passed upon its second reading.

Johnson moved, second by Okrepkie to direct staff to immediately sign the parking in this area as directed by ordinance, prior to the effective date; and staying enforcement until it becomes law. City Attorney Green indicated that the ordinance will not take effect until 20 days after publication. He explained that if Council directs staff to put the signs up immediately, those signs will be in place for 25 days, but the City will not be enforcing the parking. He suggested this will create confusion in the public in this parking situation, and encourage the Council not to proceed with the action. Green indicated that putting up a sign that says something is illegal before it is illegal, fosters disrespect for the law. Alderman Okrepkie indicated his concern for the downtown businesses and suggested the City needs to help those businesses become successful. Alderman Chapman spoke in opposition to the motion on the floor. Upon a roll call vote on the motion, motion carried with the following voting AYE: Kooiker, Johnson, LaCroix, Okrepkie, Hurlbut, and Schumacher; NO: Kroeger, Chapman, Hadcock, and Olson.

LEGAL & FINANCE COMMITTEE ITEMS

Okrepkie moved, second by Olson and carried to approve a Sewer and Water Contractor License for Cody Schad, Covin, Inc.

Okrepkie moved, second by LaCroix for discussion, to approve No. LF080206-04A, amending Application for City license, striking the words "arrested or" under the subtitle labeled "Legal". Alderman Hurlbut indicated this issue is the result of an individual being denied a license because of a 20 year old conviction that was not disclosed on the application. He believed that this intrudes on the notion that in this society you are innocent until proven guilty. He suggested that arrests should not be held against someone unless there was a conviction stemming from the arrest. Green indicated that if someone is not convicted after an arrest, does not logically follow that there was no basis for the arrest. He indicated that there are a number of reasons why someone may not be convicted after an arrest, but it does not mean they were arrested improperly. Alderman Johnson pointed out that an applicant must sign-off and agree that the City can do a background investigation. Eliminating the words does not eliminate the City's ability to consider an applicant's arrest record. Alderman Chapman pointed out that the application does not indicated that if an individual has been arrested, the applicant would be

denied a license. Upon a roll call vote on the motion, motion failed with the following voting AYE: Kooiker, Johnson, LaCroix, Okrepkie, and Hurlbut; NO: Chapman, Hadcock, Schumacher, Olson, and Kroeger. The Chair voted NO.

Okrepkie moved, second by LaCroix to approve No. LF031407-17, a Travel Request for Department Head Retreat in Deadwood, SD, April 12-13, 2007, in an approximate amount of \$850. Alderman Schumacher believed the retreat should be held in Rapid City. Motion carried with Schumacher voting NO.

Okrepkie moved, second by LaCroix to approve No. LF031407-18, a Travel Request for semi-annual goals planning meeting in Deadwood, SD, April 29-30, 2007, in an approximate amount of \$1,410. Motion carried with Schumacher voting NO.

PUBLIC WORKS COMMITTEE ITEMS

The Mayor presented No. PW031407-02, the Utility System Master Plan future water planning guidance; and referral to the Water Advocacy Task Force meeting on March 15, 2007 for discussion. Jablonski explained that the Water Advocacy Task Force considered all the options and recommends that the City proceed with the sanitary sewer work, suspend the water work with the caveat that a decision will be reached on the water sources by May 1st. Because of this delay, Jablonski indicated that he discussed the recommendation with the consultant, who has agreed there will be no additional costs relating to the professional fees as long as the May 1st goal is met. Alderman Olson indicated being involved in the discussion about the Utility Master Plan and the decision to delay the water supply portion of the plan and referring that portion of the plan to the Water Advocacy Task Force for a recommendation. She indicated that the intent is to have a recommendation from the Task Force as quickly as possible so that the entire master plan can move forward in a positive fashion.

Olson moved, second by Kroeger to accept the option to proceed with the sanitary sewer portion of the Utility Master Plan; and to suspend work on the water supply portion until the Council provides direction on what the water sources would be; and that would be with the knowledge that the Water Advocacy Task Force intends to make a recommendation to the Council by May 1, 2007. Responding to a question from Alderman Kooiker, Jablonski outlined the costs for the consultant services for the Utility Master Plan explaining that \$800,000 of the \$1.8 Million is a federal appropriation and the balance will come from the water and sanitary sewer enterprise funds. Kooiker indicated his concern about the consultant's recommendation to build a replacement water treatment plant and expressing interest in undertaking the construction of the plant, and telling the City that there will be a penalty to pay for any delays. He believed the consultant should be more willing to work with the City. Alderman Johnson indicated that what is most important, is making the correct decision about the water supply source. He believed the Committee would meet its goal in a timely manner; and he also believed there would be some additional costs associated with the contract. Upon a vote being taken on the motion, motion carried.

(Information Only) Jablonski addressed the Storm Water and Drainage Report, explaining that recently there was some legislation considered that would allow many cities in South Dakota to charge storm water utility fees. He indicated that the City of Rapid City supported that legislation. He indicated he would attempt to clarify the distinction between drainage plans and the EPA Phase II Permit held by Rapid City. He explained that there are two distinction sewer

systems; one being the sanitary sewer system and the other being the storm water drainage system. The sanitary sewer system carries wastewater to the sewer treatment facility, where it is treated and discharged to the creek. The storm water drainage system collects runoff from precipitation, such as rain and melting snow, and it is directed without treatment to Rapid Creek. Jablonski explained that the City has 140 miles of storm water drainage pipe, 6,000 drain inlets, 100 manholes, miscellaneous culverts, 500 plus outlet structures, 19 miles of open channels, and numerous detention and retention ponds. He explained that storm water control assists with flood prevention, water quality protection, wildlife habitat preservation, wetlands protection and recreation. He explained that Rapid City has adopted twenty drainage basin design plans; and these plans help determine the flow rate or how much water comes from each drainage basin; and they identify the facilities that are needed to control the water. Jablonski addressed the National Pollutant Discharge Elimination System (NPDES), Phase II program, explaining that the primary focus of this program is the protection of water quality. This program is trying to minimize or eliminate pollution from storm water. This program is effective since March, 2003 and requires local governments with storm water systems that serve less than 100,000 people to obtain an NPDES permit. He explained that Rapid City has its Phase II Permit and has been working under the requirements of the permit to develop a storm water management program. He noted that the permit expires December 31, 2007. Jablonski listed the requirements of the permit as public education, public participation, illicit discharge detention and elimination, construction site erosion control, post construction storm water management, and municipal operations pollution prevention. He indicated that to-date the City has accomplished the formation of a citizen work group, developed a storm water web page, conducted public information meetings, implemented a 4th grade education program and visited all schools in the community, marked all the storm water inlets, developed an information sheet for pretreatment coordinator, conducted a web site survey, implemented a storm water hotline, and developed a GIS storm sewer map. He also indicated that City ordinances are being reviewed, a spill response procedure is being established, the Drainage Criteria Manual will be revised, regulatory ordinances will be drafted, storm sewer cleaning and street sweeping procedures will be established, pesticide, herbicide and fertilizer application procedures will be developed, and requirements for water quality on new flood control projects will be established. Jablonski explained that all of these issues are either legislative or administrative issues. Addressing costs and funding, Jablonski reminded the members about the capital improvement plan that includes new and reconstructed storm water drainage infrastructure. He indicated that under the Street Division budget storm sewer systems are cleaned and inspected. He explained that under the Phase II Program no funding is available. He indicated that there is some money available from the drainage basin fees. Jablonski reiterated that staff is meeting the requirements of the permit, and anticipate that a new permit will be issued. Responding to a question from Alderman Kooiker, Jablonski indicated that no additional funding is needed to meet the requirements of the permit. It is anticipated that the next permit may require the City to control outlets and storm sewer maintenance that will require funding. He suggested that there may be on-going costs that could include the hiring of additional FTE's, inspection for erosion control measures, and a full-time person to manage the program. He explained that the first permit was issued for five years, and it is expected the second permit may be issued for five years. He indicated that the second permit will give the City a reasonable time period in which to accomplish any requirements. Jablonski also explained that currently the City does not have a way to collect storm water drainage fees, as allowed by BH1126; and no proposal will be forthcoming any time soon as there has been no discussion. Alderman Kooiker was of the opinion that the City needs to take steps to work on setting aside funding to help with the requirements of the permit, and asked Council not to rely on the new State law. Alderman

Olson pointed out that this utility is about a process and best management practices to handle storm water in multi-form. It will require some supervision to make certain the rules are being followed. Olson also explained that the City has a measure for the quality of water in Rapid Creek. She indicated that the relationship between the City and the Department of Environment and Natural Resources is cordial, and DENR recognizes that the City will take incremental steps in solving storm water runoff. She pointed out that very recently the City approved the Memorial Park retention pond, which will serve as a model for how it is that you retain sediment before it enters the creek. She suggested that the important thing to realize is that while there are many things that will ultimately need to be done, all levels of government are saying the City can move forward incrementally in solving the problems; and best way the City can handle this is by individuals taking responsibility.

BIDS

The following companies submitted bids for No. CC031907-02, One (1) New Current Model Year Sander Truck with Plow for Street Division opened March 13, 2007: Eddie's Truck Sales, Inc., West River International, Inc., and Sanitation Products, Inc. Staff reviewed the bids and recommends the bid award to Sanitation Products, Inc. Johnson moved, second by LaCroix and carried to approve the bid award for One (1) New Current Model Year Sander Truck with Plow to the lowest responsible bidder meeting specifications, Sanitation Products, Inc. for the low unit prices bid for a total contract amount of \$110,392.00.

The following companies submitted bids for No. CC031907-02, One (1) New Current Model Year Tandem Dump Truck for Street Division opened March 13, 2007: Eddie's Truck Sales, Inc., West River International, Inc., and Sanitation Products, Inc. Staff reviewed the bids and recommends the bid award to Sanitation Products, Inc. Okrepkie moved, second by LaCroix and carried to approve the bid award for One (1) New Current Model Year Tandem Dump Truck to the lowest responsible bidder meeting specifications, Sanitation Products, Inc. for the low unit prices bid for a contract amount of \$111,792.00 less Trade-In of \$10,000 for a total amount of \$101,792.00.

The following companies submitted bids for No. CC031907-02, Clark Street Sanitary Sewer Extension Project No. SS06-1480 / CIP No. 50587 opened March 13, 2007: Rapid Construction Co., Warax Excavating, Inc., Highmark, Inc., Mainline Contracting, Inc., R.C.S. Construction, Inc., Hills Materials Co., and Simon Contractors of SD, Inc. Staff reviewed the bids and recommends the bid award to Warax Excavating, Inc. Okrepkie moved, second by LaCroix and carried to approve the bid award for Clark Street Sanitary Sewer Extension Project No. SS06-1480 to the lowest responsible bidder meeting specifications, Warax Excavating, Inc. for the low unit prices bid for a total contract amount of \$122,755.00.

The following companies submitted bids for No. CC031907-02, Canyon Lake Drive & Soo San Drive 14" Water Main Lime Creek Element 382 Project No. W06-1562 / CIP No. 50598 opened March 13, 2007: Site Work Specialists, Inc., Heavy Constructors, Inc., Highmark, Inc., Mainline Contracting, Inc., R.C.S. Construction, Inc., Hills Materials Co., and Quinn Construction, Inc. Staff reviewed the bids and recommends the bid award to Mainline Contracting, Inc. Johnson moved, second by Schumacher and carried to approve the bid award for Canyon Lake Drive & Soo San Drive 14" Water Main Lime Creek Element 382 Project No. W06-1562 to the lowest responsible bidder meeting specifications, Mainline Contracting, Inc. for the low unit prices bid for a total contract amount of \$1,689,435.30.

The following companies submitted bids for No. CC031907-02, Block 12, Millard Addition, Sanitary Sewer Extension Project No. SS06-1625 / CIP No. 50670 opened March 13, 2007: Warax Excavating, Inc., Mainline Contracting, Inc., Hills Materials Co., and Highmark, Inc. Staff reviewed the bids and recommends the bid award to Warax Excavating, Inc. LaCroix moved, second by Johnson and carried to approve the bid award for Block 12, Millard Addition, Sanitary Sewer Extension Project No. SS06-1625 to the lowest responsible bidder meeting specifications, Warax Excavating, Inc. for the low unit prices bid for a total contract amount of \$32,973.00.

The following companies submitted bids for No. CC031907-02, Chip Seal Street 2007 Project No. ST07-1628 / CIP No. 50584 opened March 13, 2007: Hills Materials Co. and Simon Contractors of SD, Inc. Staff reviewed the bids and recommends the bid award to Hills Materials Co. LaCroix moved, second by Johnson and carried to approve the bid award for Chip Seal Street 2007 Project No. ST07-1628 to the lowest responsible bidder meeting specifications, Hills Materials Co. for the low unit prices bid for a total contract amount of \$129,917.00.

The following companies submitted bids for No. CC031907-02, Mountain View Cemetery Irrigation System, Phase II Project No. PR07-1629 / CIP No. 50090 opened March 13, 2007: Sprinkler Guys, Inc., McKinstry / Anderson Landscape & Irrigation, and Shamrock Enterprises, Inc. Staff reviewed the bids and recommends the bid award to McKinstry / Anderson Landscape & Irrigation. LaCroix moved, second by Johnson and carried to approve the bid award for Mountain View Cemetery Irrigation System, Phase II Project No. PR07-1629 to the lowest responsible bidder meeting specifications, McKinstry / Anderson Landscape & Irrigation for the low unit prices bid for a total contract amount of \$37,899.00.

The following companies submitted bids for No. CC031907-02, One (1) New Current Model Four-Wheel Drive Utility Work Machine for Parks & Recreation Department opened March 15, 2007: Jenner Equipment Co. Staff reviewed the bids and recommends the bid award to Jenner Equipment Co. LaCroix moved, second by Johnson and carried to approve the bid award for One (1) New Current Model Four-Wheel Drive Utility Work Machine to the lowest responsible bidder meeting specifications, Jenner Equipment Co. for the low unit prices bid for a total contract amount of \$41,691.00.

MAYOR'S ITEMS

Mayor Shaw reported to the Council that 10-11 new bus benches have arrived and have been installed in various locations throughout the City. He explained that the bus bench replacement project is underway and more new benches will be delivered. In addition, a project is being let for bid for more benches to be purchased. Shaw reported receiving correspondence from Lamar Advertising, apologizing for any misunderstanding about the process and about the removal of the benches owned by Lamar Advertising. He also reported that he will attend the Beautification Committee meeting to ask them to appropriate funds for the total amount of the local match. He indicated that a local firm offered to pay the entire match, but he believed it appropriate for the Beautification Committee to help with the local match because they have an interest in beautifying the City by the elimination of advertising on the bus benches. Mayor Shaw indicated that unofficially people have stepped forward requesting to participate in the "adopt a bench"

program; and indicated he would bring a formal program forward for discussions. Okrepkie moved, second by LaCroix and carried to acknowledge the report.

STAFF ITEMS

The Mayor presented No. PW022806-22, to amend Council action of March 6, 2006 in the award of a bid from informal quotes for erosion damage repair on Highway 16, Project No. W06-1569. Olson moved, second by LaCroix to approve the next lowest quote. Responding to a question from Alderman Johnson, Jablonski indicated that staff had a low quote from Three Sons Landscaping, Inc. He explained that when the contractor mobilized their equipment on the project site, the equipment could not be stabilized because the terrain was steep. Three Sons asked to withdraw their quote. Jablonski indicated that the next lowest quote came from J. H. Hilt Engineering for \$500 for mobilization plus \$1,250 per acre. He asked the Council to award the project to J. H. Hilt Engineering by amending the March 6, 2006 Council action awarding the project to Three Sons Landscaping, Inc.

Johnson moved, second by Okrepkie and carried to rescind the Council action of March 6, 2006 in the award of an informal quote to Three Sons Landscaping, Inc. for erosion damage repair on Highway 16, Project No. W06-1569.

Johnson moved, second by Okrepkie and carried to approve the award of an informal quote to J. H. Hilt Engineering for erosion damage repair on Highway 16, Project No. W06-1569 in the amount of \$500 for mobilization plus \$1,250 per acre for three (3) acres.

PUBLIC HEARING ITEMS – Items 73 - 112

Chapman moved, second by Johnson and carried to open the public hearing on Items 73-112. Steven Brenden, Rapid City addressed Item #102 (No. 06PD070) indicating the neighborhood believes the Planned Residential Development should be denied. He asked that the item be continued.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 73 - 96

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 April 2, 2007:

73. 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.
74. 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.

75. 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.
76. 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.
77. 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.
78. 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.
79. 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.
80. 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.

81. 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.
82. No. 06SV069 - A request by Fisk Land Surveying for Judy Lien for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks, curb, gutter, street light conduit, sewer and water main along Mall Drive and N. Maple Avenue and to reduce the pavement width from 40 feet to 26 feet along Mall Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2, 3 and 4 of LJS Subdivision, formerly a portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Maple Avenue and Mall Drive.
83. 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 U.S. 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.
84. 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.
85. 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.

86. 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.
87. 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.

88. No. 07PL026 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lot 6A and Lot 6B of Block 19 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Block 19 of Red Rock Estates, located in the SE1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Ainsdale Court.
89. 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.
90. No. 07RZ010 – Second Reading, Ordinance No. 5265, 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 request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on that part of the SW1/4 north of I-90 including Lot 3 of Starlite Subdivision, less GLM Subdivision No. 2 and less Right-of-way; all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Dyess Avenue and north of Interstate 90.
91. No. 07RZ011 - Second Reading, Ordinance No. 5266, 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 request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on the unplatted portion of the NW1/4 SE1/4 north of Interstate 90 and Lot E of the S1/2 SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Interstate 90 and west of North Elk Vale Road.
92. No. 07RZ012 - Second Reading, Ordinance No. 5267, An Ordinance Amending Section 17.06 of Chapter 17 of The Rapid City Municipal Code, Rezoning the Within Described Property as request by Dream Design International, Inc. for a request 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.
93. 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.

94. No. 07SV005 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to provide easements across lots or centered on rear or side lot lines for utilities and drainage as per Chapter 16.12.200.A of the Rapid City Municipal Code** on Lots 1 thru 21 of Block 1, Lots 1 thru 4 of Block 2, Lots 1 thru 5 of Block 3, Lots 1 thru 3 of Block 4, Lots 1 and 2 of Block 5, and Lots 1 thru 6 of Block 6 and Utility Lot 1 of Copperfield Vistas Subdivision, all located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot 28 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a rebar with survey cap "LS 6251"; thence, westerly along the north line of said Lot 28 in Block 1 of Copperfield Subdivision, S89°59'08"W, a distance of 109.97 feet, more or less, to the northwest corner of said Lot 28, said corner being marked by a 5/8 inch rebar; thence, southwesterly along the northerly edge of Copperfield Drive right-of-way, S71°30'56"W, a distance of 63.29 feet, more or less to the northeast corner of Lot 1 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 83.02 feet, more or less; thence, continuing northwesterly along the north line of said Lot 1 in

Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 15.67 feet, more or less, to the northwest corner of said Lot 1, said corner being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap; thence, northwesterly along the north line of said Lot 3 in Block 7 of Copperfield Subdivision, N88°42'16"W, a distance of 51.73 feet, more or less, to the northwest corner of said Lot 3, said point being coincident with the northeast corner of Lot 4 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap "LS 2652"; thence, northwesterly along the north line of said Lot 4 in Block 7 of Copperfield Subdivision, N88°18'11"W, a distance of 76.36 feet, more or less, to the northwest corner of said Lot 4, said point being coincident with the northeast corner of Lot 5 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 68.75 feet, more or less; thence, N15°55'14"E, a distance of 104.91 feet, more or less; thence, N74°04'46"W, a distance of 45.00 feet, more or less; thence, N15°55'14"E, a distance of 160.58 feet, more or less; thence, S76°13'24"E, a distance of 120.24 feet, more or less; thence, S78°04'22"E, a distance of 59.02 feet, more or less; thence, N13°46'36"E, a distance of 98.10 feet, more or less; thence, N76°13'24"W, a distance of 13.77 feet, more or less; thence, N13°46'36"E, a distance of 52.00 feet, more or less; thence, S76°13'24"E, a distance of 5.67 feet, more or less; thence, N13°46'36"E, a distance of 80.12 feet, more or less; thence, N00°35'05"E, a distance of 68.76 feet, more or less; thence, N00°00'00"W, a distance of 83.80 feet, more or less; thence, S90°00'00"W, a distance of 0.65 feet, more or less; thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 18.65 feet, more or less; thence, N00°00'00"W, a distance of 200.26 feet, more or less; thence, S90°00'00"W, a distance of 20.17 feet, more or less; thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 2.17 feet, more or less; thence, N00°00'00"W, a distance of 455.50 feet, more or less; thence, curving to southwest to the left on a curve with a radius of 562.00 feet, a delta of 01°25'51", an arc length of 14.03 feet, and a chord bearing of S78°05'02"W and chord distance of 14.03 feet; thence, N12°37'53"W, a distance of 76.00 feet, more or less; thence, curving to the northeast to the right on a curve with a radius of 638.00 feet, a delta of 10°54'37", an arc length of 121.49 feet, and a chord bearing of N82°49'25"E and chord distance of 121.30 feet; thence, N44°21'49"E, a distance of 14.30 feet, more or less; thence, N00°00'00"W, a distance of 15.20 feet, more or less; thence, N90°00'00"E, a distance of 52.00 feet, more or less; thence, S00°00'00"E, a distance of 15.13 feet, more or less; thence, S45°00'00"E, a distance of 14.14 feet, more or less; thence, N90°00'00"E, a distance of 142.69 feet, more or less, to a point on the north/south 1/4 section line of Section 4, T1N, R8E, BHM, Pennington County, South Dakota; thence, southerly along said 1/4 section line, S00°05'16"E, a distance of 941.09 feet, more or less, to a point marked by an iron pin; thence, continuing southerly along said 1/4 section line, S00°05'03"E, a distance of 517.62 feet, more or less, to a point located on said 1/4 section line being marked by a rebar with survey cap "LS 6251"; thence, continuing southerly along said 1/4 section line, S00°03'43"E, a distance of 781.29 feet, more or less; thence, S89°47'47"W, a distance of 303.32 feet, more or less to a point along the easterly line of Lot 17 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 17 in Block 1 of Copperfield Subdivision, N22°39'36"W, a distance of

46.14 feet, more or less, to the northeast corner of said Lot 17, said corner being coincident with the southeast corner of Lot 18 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 18 in Block 1 of Copperfield Subdivision, $N01^{\circ}44'10''W$, 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, $N26^{\circ}46'20''E$, 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, $N27^{\circ}11'29''E$, 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, $N19^{\circ}26'44''E$, 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, $N02^{\circ}40'24''E$, a distance of 239.67 feet, more or less to the point of beginning, located east of Valley Drive and west of Concourse Drive.

95. No. 07SV008 - A request by Sperlich Consulting, Inc. for Schriener Investments, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, sewer and street light conduit and to reduce the width of the access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 6 of Block 1, Lots 1 thru 5 of Block 2, Lot 1 of Block 3 of Medicine Ridge Subdivision, located in the NE1/4 NE1/4 and the SE1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as an unplatted parcel of land located in the SE1/4 NE1/4 NE1/4; NE1/4 SE1/4 NE1/4 excepting Tract B of Medicine Ridge, located in the NE1/4 NE1/4 and the SE1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Enchantment Road and east of Enchanted Pines Drive.
96. 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.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Chapman moved, second by Johnson and carried to close the public hearing on Items 73-112.

CONSENT PUBLIC HEARING ITEMS – Items 97-99

ALCOHOL LICENSES

Johnson moved, second by LaCroix to continue the hearing on Yellow Robe Enterprises, LLC dba **Dacotah Liquors**, 418 Knollwood Drive for a Package (Off Sale) Liquor License transfer from Clayton and Donna Mae Jerred dba Gas 'N' Snax, 418 Knollwood Drive at the applicant's request to the April 2, 2007 Council meeting. Motion carried.

Hadcock moved, second by LaCroix and carried to approve a special Wine Alcoholic Beverage License application for **American Red Cross** for an event scheduled April 3, 2007 at the Elks Theatre, 512 6th Street.

ASSESSMENT ROLLS

The Mayor announced that the meeting was open for consideration of No. PW103106-22, a Resolution Levying Assessment for Fairview Street Sewer Extension Project No. SS06-1556. Notice of hearing was mailed to the affected property owners on March 8, 2007, and published in the Rapid City Journal on March 12, 2007. Okrepkie moved, second by Johnson to approve. Finance Officer Preston explained that the Council is approving an assessment that will require the City to pay 60 percent and the property owner will pay 40 percent of the project costs. Alderman Chapman suggested the Council change the ordinance in terms of how the City will levy assessed projects to make the process fair for everyone. Alderman Olson reminded the members that the procedure requires property owners to pay 60 percent and the City 40 percent; and suggested that the proposed change in the project substantially changes the City's investment and the cost to the taxpayers. She indicated that she is not willing to set a precedent. Alderman Johnson reminded the members of a past discussion about the City's sewer enterprise fund being depleted. The Council structured a 5-year plan that increased the sewer rates. In addition to that, the Council created a .16 Fund and subsidized the sewer fund \$4 Million over five years. He indicated that he could not support the motion to approve the assessed project, as proposed. City Attorney Green advised the Council that it is not too late to make the decision to go back to the 40 / 60 split, if that is the desire of the Council. He explained that the Council would need to make the motion to direct staff to make those changes and re-notice the hearing.

Substitute motion was made by Hadcock, second by Schumacher to direct staff to amend the assessment roll to show the individual property owners paying sixty percent and the City paying forty percent; and to undertake the notice to set for hearing on April 16, 2007. Motion carried.

NON-CONSENT PUBLIC HEARING ITEMS – Items 100 – 112

The Mayor presented No. 755, a request by City of Rapid City to consider an application for a **Dissolution of Tax Increment District No. 17** on Lots O Revised and U Revised of Tract A of Schlottman Addition, and the adjacent public Right-of-way located in the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2351 Sedivy Lane and 2350 E. St. Patrick Street. The following resolution was introduced, read, and Olson moved its adoption.

A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT
NUMBER SEVENTEEN

WHEREAS the City of Rapid City created Tax Increment District Number Seventeen on September 5, 1989; and

WHEREAS there are no longer any reimbursable project costs remaining to be paid; and

WHEREAS the City Council of the City of Rapid City is authorized to dissolve this Tax Increment District pursuant to SDCL 11-9-46 (2),

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that Tax Increment District Number Seventeen be dissolved.

BE IT FURTHER RESOLVED that any funds which are deposited in the Tax Increment District Number Seventeen Special Fund, pursuant to SDCL 11-9-31, be distributed as provided by SDCL 11-9-45.

Dated this 19th day of March, 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 LaCroix. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock: NO: None; whereupon said resolution was declared duly passed and adopted.

The Mayor presented No. 06CA028, a request by Dream Design International, Inc. to consider an application for a **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, more generally described as being located south of I-90 between North LaCrosse Street and East North Street. 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 19th day of March, 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 Comprehensive Plan would 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 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; 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; 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; that portion of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, lying South of Lot H3 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 109 and lying South of Lot H1 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 113 and lying South of Lot H2 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 292 and lying South of Lot H4 of said SW1/4 as shown on the plat filed in Highway Plat Book 10, Page 150 (Interstate 90 right-of-way) and lying North of the Railroad right-of-way; excepting therefrom Lot A of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 10, Page 122; AND excepting therefrom Tract C of said SW1/4, as shown on the plat filed in Plat Book 11, Page 68; and excepting therefrom Lot IR, Lot BR of Lot 2 and Lot C of Lot 2 of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 15, Page 103; and excepting therefrom the W1/2 SW1/4 SW1/4 lying North of said Tract C; that portion of the N1/2 SE1/4 lying South of Lots H1 and H2 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 3, Page 288 and lying South of Lot H3 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 148 (Interstate 90 right-of-way) and the N1/2 NE1/4 SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom Lot D of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 70; and excepting therefrom Lots E and M of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 71; and excepting therefrom Lots C and L of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 8; Page 132; and excepting therefrom Tract 1 of Flack - Hendricksen Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 16, Page 205; and excepting therefrom Lots 1 and 2 in Block 2 of Rapps Addition of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 23, Page 166; and excepting therefrom Lots 1 and 2 of Bedco Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 26, Page 61; and excepting therefrom any dedicated streets, avenues or alleys lying within said plats; and excepting therefrom the Lot HI of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; and excepting therefrom that portion of the SE1/4 NW1/4 SE1/4 and that portion of the SW1/4 NE1/4 SE1/4 lying south of said Lot H1 of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; Lot 1R, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; Lot 1 of the SW1/4 SE1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; Lot A of lot 2, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; a portion of the unplatted portion of the SE1/4 NW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; 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; the unplatted portion of the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; 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; the W1/2 SW1/4, SW1/4 SW1/4, Section 29, lying north of Tract C, T2N, R8E, BHM, Pennington County, South Dakota; the Farnwood Avenue Right of Way, located in the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, 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 Major Street Plan component of the Comprehensive Plan of the City of Rapid City be amended to change an arterial street to a collector street, to eliminate a collector street and to relocate a collector street on 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; 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; 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; that portion of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, lying South of Lot H3 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 109 and lying South of Lot H1 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 113 and lying South of Lot H2 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 292 and lying South of Lot H4 of said SW1/4 as shown on the plat filed in Highway Plat Book 10, Page 150 (Interstate 90 right-of-way) and lying North of the Railroad right-of-way; excepting therefrom Lot A of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 10, Page 122; AND excepting therefrom Tract C of said SW1/4, as shown on the plat filed in Plat Book 11, Page 68; and excepting therefrom Lot IR, Lot BR of Lot 2 and Lot C of Lot 2 of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 15, Page 103; and excepting therefrom the W1/2 SW1/4 SW1/4 SW1/4 lying North of said Tract C; that portion of the N1/2 SE1/4 lying South of Lots H1 and H2 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 3, Page 288 and lying South of Lot H3 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 148 (Interstate 90 right-of-way) and the N1/2 NE1/4 SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom Lot D of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 70; and excepting therefrom Lots E and M of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 71; and excepting therefrom Lots C and L of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 8; Page 132; and excepting therefrom Tract 1 of Flack - Hendricksen Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 16, Page 205; and excepting therefrom Lots 1 and 2 in Block 2 of Rapps Addition of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 23, Page 166; and excepting therefrom Lots 1 and 2 of Bedco Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 26, Page 61; and excepting therefrom any dedicated streets, avenues or alleys lying within said plats; and excepting therefrom the Lot HI of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; and excepting therefrom that portion of the SE1/4 NW1/4 SE1/4 and that portion of the SW1/4 NE1/4 SE1/4 lying south of said Lot H1 of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; Lot 1R, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; Lot 1 of the SW1/4 SE1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; Lot A of lot 2, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; a portion of the unplatted portion of the SE1/4 NW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; 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; the unplatted portion of the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; 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; the W1/2 SW1/4, SW1/4 SW1/4, Section 29, lying north of Tract C, T2N, R8E, BHM, Pennington County, South Dakota; the Farnwood Avenue Right of Way, located in the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 19th day of March, 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 Okrepkie. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock: NO: None; whereupon said resolution was declared duly passed and adopted.

The Mayor presented No. 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 Hadcock to continue the appeal to the April 2, 2007 Council meeting. Substitute motion was made by Chapman, second by LaCroix and carried to continue the appeal to the April 16, 2007 Council meeting.

Olson moved, second by LaCroix and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, sewer and water along the Section Line Highway as it abuts the NE1/4 NE1/4 NE1/4, and the SE1/4 NE1/4 NE1/4, Section 14, T1N, R6E, BHM, Pennington County, South Dakota, located at 8109 and 8115 West Highway 44. (07SV006)

The Mayor presented No. 07SV006, a request by Joe L. Ratigan for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code** on the NE1/4 NE1/4 NE1/4, and the SE1/4 NE1/4 NE1/4, Section 14, T1N, R6E, BHM, Pennington County, South Dakota, located at 8109 and 8115 West Highway 44. Olson moved, second by LaCroix and carried to approve the Variance with the following stipulation: Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment of the improvements.

Olson moved, second by LaCroix and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of sewer along Fountain

Plaza Drive north of the intersection of Sophia Court and Fountain Plaza Drive as it abuts the NE1/4 of the SW1/4 of the SE1/4, and the N1/2 of the SE1/4 of the SW1/4 of the SE1/4, all in Section 27, T2N, R7E, located in the E1/2 of the SW1/4 of the SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to Fountain Plaza Drive between South Plaza Drive and Commerce Road. (07SV007)

The Mayor presented No. 07SV007, a request by Sperlich Consulting, Inc. for Robert Scull for a **Variance to the Subdivision Regulations to waive the requirement to install sewer along Fountain Plaza Drive north of the intersection of Sophia Court and Fountain Plaza Drive as per Chapter 16 of the Rapid City Municipal Code** on Lots 1 thru 10 of Block 2 of Commerce Park Subdivision, located in the E1/2 of the SW1/4 of the SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 of the SW1/4 of the SE1/4, and the N1/2 of the SE1/4 of the SW1/4 of the SE1/4, all in Section 27, T2N, R7E, located in the E1/2 of the SW1/4 of the SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to Fountain Plaza Drive between South Plaza Drive and Commerce Road. Olson moved, second by Johnson and carried to approve the Variance with the following stipulation: Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvement.

Olson moved, second by Okrepkie and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement along Dawn Lane and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement along School Drive as they abut Lot 4 of Block 5, and Lot B of Lot 6 of Block 2 of the Replat of Harney Peak View Addition, located in the E1/2 NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, located at 3712 Dawn Lane. (07SV009)

The Mayor presented No. 07SV009, a request by D. C. Scott Co. Land Surveyors for Floyd and Carla Jakeway for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way, install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement on Dawn Lane and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement on School Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 4R of Block 5 of the replat of Harney Peak View Addition, located in the E1/2 NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 4 of Block 5, and Lot B of Lot 6 of Block 2 of the Replat of Harney Peak View Addition, located in the E1/2 NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, located at 3712 Dawn Lane. Olson moved, second by Chapman and carried that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and additional pavement along School Drive be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements. That the Variance to the Subdivision Regulations to waive the requirement to install sewer and water along School Drive be denied without prejudice. That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and additional pavement along Dawn Lane be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements. That the Variance to the Subdivision Regulations to waive the requirement to install water along Dawn Lane be denied without prejudice; and, that the Variance to the

Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Dawn Lane be denied without prejudice.

The Mayor presented No. 07TI001, a request by Dream Design International, Inc. to consider an application for a **Tax Increment District No. 44 Revised Project Plan** on all of Section 28 lying north of U.S. Interstate 90 right-of-way, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the 33 foot Dyess Avenue section line right-of-way north of U.S. Interstate 90 right-of-way located in the E1/2 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Interstate 90 between Elk Vale Road and Dyess Avenue. The following resolution was introduced, read, and Olson moved its adoption.

RESOLUTION APPROVING THE REVISED PROJECT PLAN
FOR TAX INCREMENT DISTRICT NUMBER FORTY FOUR
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 Forty Four; and

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

WHEREAS, the Revised Project Plan helps make this development feasible by assisting with the development of Mall Drive; and

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

WHEREAS, there has been developed a Revised Project Plan for this Tax Increment District which proposes infrastructure costs for Mall Drive extension, drainage and water improvements, sanitary sewer extension improvements and professional costs; and

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

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

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

Dated this 19th day of March, 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 Johnson. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock: NO: None; whereupon said resolution was declared duly passed and adopted.

The Mayor presented No. 07TI002, a request by Dream Design International, Inc. to consider an application for a **Tax Increment District No. 56 Revised 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 Olson moved its adoption.

RESOLUTION APPROVING THE SECOND 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 Second Revised Project Plan will replace the Revised Project Plan previously approved by the City Council on October 16, 2006; 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 Second 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 Second Revised Project Plan submitted will assist with additional Sewer Main Extension Costs and additional Financing/loan Fees by reducing the Professional Service Costs and the Necessary and Convenient Costs; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Second Revised 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 19th day of March, 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 Schumacher. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock: NO: None; whereupon said resolution was declared duly passed and adopted.

At the request of Alderman Chapman, Johnson moved, second by Olson and carried to reconsider Item #110 No. 07TI002.

Johnson moved, second by Olson to approve No. 07TI002, a request by Dream Design International, Inc. to consider an application for a **Tax Increment District No. 56 Revised Project Plan**. Motion carried with Alderman Chapman abstaining.

The Mayor presented No. 07RZ008, second reading of Ordinance No. 5255, 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 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. Notice of hearing was published in the Rapid City Journal on February 24, 2007 and March 3, 2007. Ordinance No. 5255 having had the first reading on February 19, 2007, Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5255 the second time.

The Mayor presented No. 07RZ009, second reading of Ordinance No. 5256, 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 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. Notice of hearing was published in the Rapid City Journal on February 24, 2007 and March 3, 2007. Ordinance No. 5256 having had the first reading on February 19, 2007, Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, Kooiker, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5256 the second time.

BILLS

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

Payroll Paid Ending 03-03-07, Paid 03-12-07	746,253.35
Payroll Paid Ending 03-03-07, Paid 03-12-07	3,469.60
Pioneer Bank, Taxes Paid 03-12-07	179,107.82
Pioneer Bank, Taxes Paid 03-12-07	271.64

CITY COUNCIL

MARCH 19, 2007

First Administrators, claims paid 03-07-07	67,204.31
First Administrators, claims paid 03-13-07	42,025.38
Berkley Risk Administrators, claim payment	28,099.00
South Dakota Retirement System, retirement	333,701.06
South Dakota Retirement System, retirement	416.34
Black Hills Electric Cooperative, electricity	566.25
Black Hills Power & Light, electricity	28,925.70
Montana Dakota Utilities, gas	9,199.51
West River Electric Association, electricity	15,860.41
United States Postmaster, postage	900.00
Computer Bill List	<u>4,789,193.53</u>
Subtotal	\$6,245,193.90

Payroll Paid Ending 03-03-07, Paid 03-12-07	2,715.14
Pioneer Bank, Taxes Paid 03-12-07	192.90
South Dakota Retirement System, retirement	310.16
Charles Braunersrither, Volunteer stipend	150.00
City of Rapid City, postage	0.42
City of Rapid City, health insurance	1,178.00
City of Rapid City, liability insurance	184.00
City of Rapid City, worker's compensation	89.00
Conoco Phillips, gasoline	77.16
Dakota Business Center, copier maintenance	7.53
Prairie Wave Communications, telephone	35.57
Simpson's Printing, newsletter	103.82
Standard Life, life insurance	7.00
Angie Weeks, mileage	<u>59.76</u>
Total	\$6,250,304.36

EXECUTIVE SESSION

Okrepkie moved, second by Schumacher and carried to go into Executive Session at 9:47 P.M. for the reasons permitted by SDCL 1-25-2.1.3 and 1-25-2.1.4. The Council came out of Executive Session at 11:10 P.M. with all members present.

Okrepkie moved, second by Chapman and carried to authorize the Public Works Director to extend an offer to the City Engineer candidate at Grade 25, Step G.

ADJOURN

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

ATTEST:

Finance Office

CITY OF RAPID CITY

Mayor

(SEAL)