

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

May 21, 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, May 21, 2007 at 7:00 P.M.

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

Staff members present included Finance Officer Jim Preston, City Attorney Jason Green, Growth Management Director Marcia Elkins, City Engineer Robert Ellis, Assistant Fire Chief Bill Knight, Police Chief Craig Tieszen, and Administrative Coordinator Jackie Gerry.

ADOPTION OF AGENDA

The following items were added to the agenda:

- Authorize the Mayor and Finance Officer to sign a waiver of right to protest any future assessment for the installation of curb, gutter, sidewalk, street light conduit, water and sewer along Interstate 90 (07SV013)
- Motorcycle Awareness Month, Alderman Hadcock
- St. Paul, MN Conference on Homeland Security Inoperability, Alderman Okrepkie

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

APPROVE MINUTES

Chapman moved, second by LaCroix and carried to approve the minutes of May 7, 2007.

AWARDS AND RECOGNITIONS

Mayor Shaw presented the Veteran of the Month for May, 2007 to Christine Walz and recognized her efforts and dedication to the service of her country and community.

Mayor Shaw presented a Certificate of Recognition to Dale Pfeifle and acknowledged his 20 years of service to the Street Division of the Public Works Department. Mayor Shaw also presented a Certificate of Recognition to Tim Amos, acknowledging his retirement from the Rapid City Police Department after 23 years of distinguished service. Mayor Shaw presented a Certificate of Recognition to Roger Scott and acknowledged his 20 years of service to the Regional Airport.

GENERAL PUBLIC COMMENT

Steven Brenden, Rapid City complimented Mainline Contractors on their work along Canyon Lake Drive. In defense of the work of enVision Design on the Civic Center expansion project, he

suggested the actions of the City Council set the issues in motion and asked the members to own up to their mistakes and not put the entire blame on the consultant.

Hani Shafai, Dream Design International extended his appreciation to the City Council on their efforts to revitalize the downtown area by approving the Tax Increment Finance district. He indicated that this is the first step in a project that has a lengthy process beginning with the legal aspects to the development of plans, design, etc. Shafai pointed out that there have been many negative comments in the media about this project and his company – Dream Design International. He explained that Dream Design is not a development company and the project is not intended to be a part of the company. He indicated that he, personally, submitted this project to resolve issues in the downtown area. He indicated that it is not out of greed, but to give back to the community, that he submitted the project. Because there are so many negative comments, Shafai indicate he will not do the project. Shafai withdrew his proposal and requested that if the City intends to go forward with the project, the project be put to the vote of the public or the City conduct a public hearing.

Mayor Shaw indicated his sadness by the comments of Hani. He indicated that long before Hani was involved there were discussions about doing something to complete the late Mayor LaCroix's dream, of 25 years ago, to have something built, other than a parking ramp, on City-owned property. Through the 2012 process, the City put \$2.8 Million toward a downtown parking ramp. Shaw stressed that the proposed downtown project is a private project, not a City project. Alderman Johnson commented that it is unfortunate that personal attacks have sidelined a good project. Alderman Hurlbut urged Hani to disregard the naysayers and know that there are others who believe the project is good. Alderman Okrepkie indicated that the project is desperately needed because of the limited downtown parking; and that this public / private partnership is the best of both worlds and a significant investment. Alderman Hadcock indicated that she supported the concept of the project. Alderman LaCroix reported the contribution made by Hani to help restore North Rapid's Native American mural.

Norma Thomsen, Rapid City indicated that she, for years, had hoped the downtown area could be revitalized and become a great asset to the community.

At 7:31 P.M. Alderman Schumacher entered the meeting.

NON-PUBLIC HEARING ITEMS -- Items 3 - 191

Chapman moved, second by LaCroix and carried to open public comment on Items 3-175. Steven Brenden, Rapid City addressed item #133 indicating his support, but questioned the cost for the plans, specifications and administrative cost, and the timeframe for the project; item #149 (07VE007) asking whether the City will pay the costs for local businesses to reprint office stationery and supplies; and item #176 (LF051607-11) indicating that tenants should not be responsible for repairs to shut-off valves. Scott O'Meara, Dream Design International addressed item #175 (07PL060) indicating that they expect to have the issues with the lift station resolved soon. Chapman moved, second by Hurlbut and carried to close public comment on Items 3-175.

CONSENT ITEMS – Items 3 - 175

The following items were removed from the Consent Items:

134. Direct staff to initiate an application to vacate a portion of the right-of-way between the home and sidewalk, at no cost to the residents in the 900 block of Lemmon Avenue, four blocks south to the dead end

169. No. LF051607-10 – Authorize Mayor and Finance Officer to sign Project Agreement with the Department of Public Safety, Office of Highway Safety.

175. No. 07PL060 - A request by Dream Design International, Inc. for a Preliminary Plat, located east of Dyess Avenue and north of Interstate 90.

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

Set for Hearing (June 18, 2007)

3. No. 07VR004 - A request by Richard E. Huffman for a **Vacation of Right-of-Way** adjacent to Lots 1 thru 32 of Block 5 of Simmons Addition, plus 1/2 vacated Elm Street, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 101 and 141 E. Omaha Street and 320 Maple Avenue.

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

4. **Rapid City Area Chamber of Commerce** for a special Beer and Wine License for an event scheduled July 10, 2007 at Black Hills Federal Credit Union, 2700 North Plaza Drive
5. Restaurant Adventures, Inc. dba **Adventures In Barbeque**, 208 East North Street for a Retail (On-Off Sale) Malt Beverage License NO Video Lottery

2007 – 2008 RETAIL (ON-OFF SALE) MALT BEVERAGE WITH VIDEO LOTTERY

6. Hotel Management Co. Inc dba Alex Johnson Hotel, 523 Sixth Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
7. MG Oil Company dba BP Casino, 609 Mt. View Rd, Ste. C-1, for Retail (On-Off Sale) Malt Beverage License with Video Lottery
8. D&S Time Square Casino, Inc. dba Breakroom Casino, 355 11th Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
9. Harbry Enterprises, Inc. dba Buck'N Gator Lounge, 4095 Sturgis Road for Retail (On-Off Sale) Malt Beverage License with Video Lottery
10. Robert W. Johnson dba Canyon Lake Pub & Casino, 4116 Jackson Blvd. for Retail (On-Off Sale) Malt Beverage License with Video Lottery
11. Carolyn's Casino, Inc. dba Carolyn's Casino 512 West Blvd. for Retail (On-Off Sale) Malt Beverage License with Video Lottery
12. Continental Leisure, Inc. dba Carousel Casino, 2050 West Main Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
13. Cimarron Casino, Inc. dba Chicago Street Casino, 3609 Sturgis Road for Retail (On-Off Sale) Malt Beverage License with Video Lottery
14. Colonial House, Inc. dba Colonial House Restaurant, 2501 Mt. Rushmore Road for Retail (On-Off Sale) Malt Beverage License with Video Lottery
15. Dean Henrichsen dba Dean'O's Casino, 903 East North Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery

16. MG Oil Company dba East North Casino, 230 East North Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
17. MG Oil Company dba East St. Patrick Casino, 1226 E. St. Patrick Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
18. Cimarron Casino, Inc. dba Eastside Plaza Casino, 1000 Cambell Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
19. Ken-Ben, Inc. dba Eighth Street Lounge, 2201 Mt. Rushmore Road for Retail (On-Off Sale) Malt Beverage License with Video Lottery
20. Elks Lodge dba Elks Lodge No. 1187, 3333 E. 39th Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
21. M. G. Oil Company dba Chance's Casino, 110 Cambell Street, Ste. E for Retail (On-Off Sale) Malt Beverage License with Video Lottery
22. MG Oil Company dba Haines Avenue Casino, 1735 Haines Avenue for Retail (On-Off Sale) Malt Beverage License with Video Lottery
23. SCL, Inc. dba Hall Inn, 214 E. St. Joe Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
24. SD Vending, Inc. dba Happy Jack's East, 909 E. St. Patrick Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
25. SD Vending, Inc. dba Happy Jack's Downtown, 713 Omaha Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
26. SD Vending, Inc. dba Happy Jack's Cambell Street, 1601 Cambell Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
27. SD Vending, Inc. dba Happy Jack's, Too, 909 St. Patrick Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
28. Omaha Players Company dba Happy Jack's Omaha Street, 1109 W. Omaha Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
29. SD Vending, Inc. dba Happy Jack's West, 1925 W. Main Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
30. SD Vending, Inc. dba Happy Jack's Valley, 747 Timmons Blvd., Ste. B for Retail (On-Off Sale) Malt Beverage License with Video Lottery
31. M&B Investments, Inc. dba The Hideaway, 1575 LaCrosse Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
32. Wilburn Powers, Inc. dba Horseshoe Bar, 1407 1/2 East North Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
33. Wyngard Pot-O-Gold Casino, Inc. dba Luck D's Casino, 1330 E. St. Patrick St. for Retail (On-Off Sale) Malt Beverage License with Video Lottery
34. Wal-East Development dba Jackpot Casino, 685 LaCrosse Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
35. Wal-East Development dba Jackpot Casino Too, 1415 N. LaCrosse Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
36. ZBT, Inc. dba Jackpot Casino East, 2708 East Hwy 44 for Retail (On-Off Sale) Malt Beverage License with Video Lottery
37. CHAS, Inc. dba Jackpot Casino West, 2144 Jackson Blvd. for Retail (On-Off Sale) Malt Beverage License with Video Lottery
38. SARF, Inc. dba Joker's Casino South, 1320 Mt. Rushmore Road for Retail (On-Off Sale) Malt Beverage License with Video Lottery
39. ZBT, Inc. dba Joker's Casino North, 608 1/2 East North Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery

40. Kelly's Sports Lounge, Inc. dba Kelly's Sport Lounge, 825 Jackson Blvd. for Retail (On-Off Sale) Malt Beverage License with Video Lottery
41. MG Oil Company dba LaCrosse Street Casino #1, 720 N. LaCrosse Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
42. MG Oil Company dba LaCrosse Street Casino #2, 720 N. LaCrosse Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
43. Cimarron Casino, Inc. dba Main Street Gap Casino, 1727 W. Main Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
44. Laural A. Hawkins dba The Marble Club, 2315 1/2 Mt. Rushmore Rd. for Retail (On-Off Sale) Malt Beverage License with Video Lottery
45. Rapid Bowl, Inc. dba Meadowood Lanes, 3809 Sturgis Road for Retail (On-Off Sale) Malt Beverage License with Video Lottery
46. CCKT, Inc. dba King of Heart's Casino, 3030 W. Main Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
47. Entertainment, Inc. dba Nu Robbinsdale Casino, 803 E. St. Patrick Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
48. WR Rapid City Ventures, LP dba Oakleaf Beer Garden, 2211 LaCrosse Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
49. Poker Joe's, Inc. dba Poker Joe's, 211 Cambell Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
50. WynGard Investment Partners dba Pot-O-Gold Casino, 1300 Centre Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
51. CCKT, Inc. dba Queen of Hearts Casino, 316 E. Blvd. for Retail (On-Off Sale) Malt Beverage License with Video Lottery
52. MG Oil Company dba Market Square Casino, 1624 E. St. Patrick for Retail (On-Off Sale) Malt Beverage License with Video Lottery 701
53. Frank Morrison dba Thirsty's, 819 Main Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
54. Robbinsdale Rec Center, Inc. dba Robbinsdale Rec Center 805 E. St. Patrick Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
55. Fox Family Enterprises, Inc. dba Rodeway Inn, 2208 Mt. Rushmore Road for Retail (On-Off Sale) Malt Beverage License with Video Lottery
56. MG Oil Company dba Rushmore Casino, 1808 Mt. Rushmore Road for Retail (On-Off Sale) Malt Beverage License with Video Lottery
57. Lybek's 21st Century, Inc. dba Shenanigan's Casino. 3788 East Hwy 44 for Retail (On-Off Sale) Malt Beverage License with Video Lottery
58. Shooters, Inc. dba Shooters, 2424 W. Main Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
59. United Food, Inc. dba Toby's Casino, 720 East North Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
60. United Food, Inc. dba Toby's Casino South, 710 Cleveland Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
61. MG Oil Company dba Uncle Sam's East, 1122 East North Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
62. MG Oil Company dba Uncle Sam's South, 2110 Jackson Blvd. for Retail (On-Off Sale) Malt Beverage License with Video Lottery
63. MG Oil Company dba Uncle Sam's West, 2730 W. Main Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery

64. Western Dakota Gaming, Inc. dba Valley Sports Casino, 1865 South Valley Drive for Retail (On-Off Sale) Malt Beverage License with Video Lottery
65. MG Oil Company dba Warehouse Bar, 200 E. Main Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
66. Peaceful Pines Casino, Inc. dba West Main Square Casino, 3205 W. Main Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
67. Hungry's Restaurant, Inc. dba Marlin's Roadhouse Grill, 2803 Deadwood Avenue for Retail (On-Off Sale) Malt Beverage License with Video Lottery
68. I-90 Fuel Services, Inc. dba Windmill Truck Stop, 2783 Deadwood Avenue for Retail (On-Off Sale) Malt Beverage License with Video Lottery

2007 – 2008 RETAIL (ON-OFF SALE) MALT BEVERAGE NO VIDEO LOTTERY

69. Black Hills Amateur Baseball dba Amateur Baseball McKeague Field Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
70. Hog Wild, LLC dba Black Hills Harley Davidson, 3030 Lange Ranch Road Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
71. Central States Fair, Inc. dba Central States Fair, 800 San Francisco Street Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
72. CEC Entertainment, Inc. dba Chuck E Cheese's, 30 Knollwood Drive Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
73. Mae Jean Adams dba The Corn Exchange, 727 Main Street Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
74. Mary Jane or Oliver Feimark dba Embers Bar B Q, 5412 So. Hwy 16 Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
75. Ron Stevens Sandy Thornburg dba Executive Golf Course, 200 12th Street Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
76. GF Pizza, Inc. dba Godfathers Pizza, 110 Cambell Street Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
77. Dan T. Ly dba Golden Fortune, 1204 East North Street Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
78. Yeung, Inc. dba Great Wall Chinese Restaurant, 2421 West Main Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
79. Century Motels, Inc. dba Howard Johnson Express Inn, 950 North Street Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
80. Rhonda Berger dba Ichiban, 1109 W. Omaha St., Ste. A Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
81. Yeung, Inc. dba Imperial Chinese Restaurant, 702 East North Street Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
82. Museum Alliance of Rapid City dba The Journey Museum, 222 New York Street Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
83. Ron Stevens & Sandy Thornburg dba Meadowbrook Golf Course, 3625 Jackson Blvd. Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
84. Northcott Company dba Perkins Restaurant, 2305 Mt. Rushmore Road Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
85. Northcott Company dba Perkins Restaurant, 1715 N. LaCrosse Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
86. Picasso Barn Pizzeria, LLC dba Picasso Barn Pizzeria, 556 Kirkeyby Lane Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery

87. Piece of Cake, LLC dba Piece of Cake, 901 Mt. Rushmore Road Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
88. Piesano's Pacchi, Inc. dba Piesano's, 3618 Canyon Lake Dr #121 Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
89. Dakota Fresh-Mex, LLC dba Qdoba, 741 Mt. View Road Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
90. Rapid City Softball Association dba Star of the West Complex, 1511 Sedivy Lane Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
91. Delmonico Grill dba Delmonico Grill, 609 Main Street Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
92. City of Rapid City dba Rushmore Plaza Civic Center, 444 N. Mt. Rushmore Road Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
93. Mai T. Goodsell dba Saigon Restaurant, 221 East North Street Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
94. Wine Cellar Restaurant, LLC dba Wine Cellar Restaurant, 513 6th Street Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
95. Chris Emme, Lee Ann Emme, Jenney Sartorius dba S & E Investments, 3300 N. Deadwood Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
96. BH Food Services, Inc. dba Fuddruckers at Rushmore Mall, 2200 N. Maple Ave #330 Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
97. Atlantis LLC dba Watiki Indoor Water Park Resort / Fairfield Inn & Suites by Marriott, 1314 N. Elk Vale Road Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery
98. Two Lefties' and Rancho's Mexican Grills LLC dba Pancho's Mexican Grill, 1221 W. Omaha Avenue for Retail (On-Off Sale) Malt Beverage License without Video Lottery

2007 – 2008 PACKAGE (OFF-SALE) MALT BEVERAGE

99. Fuel Food Mart, Inc. dba Amoco Food Shop No. 4, 901 East North Street for Package (Off-Sale) Malt Beverage License
100. Fuel Food Mart, Inc. dba Amoco Food Shop No. 5, 601 Mt. View Road for Package (Off-Sale) Malt Beverage License
101. MG Oil Company dba Amoco Food Shop No. 8, 302 East North Street for Package (Off-Sale) Malt Beverage License
102. MG Oil Company dba Amoco Food Shop No. 9, 1220 E. St. Patrick Street for Package (Off-Sale) Malt Beverage License
103. MG Oil Company dba Amoco Food Shop No. 10, 1818 Mt. Rushmore Road for Package (Off-Sale) Malt Beverage License
104. Big D Oil Company dba Big D Oil Co. Store #41, 1160 LaCrosse Street, for Package (Off-Sale) Malt Beverage License
105. Big D Oil Company dba Big D Oil Co. Store #42, 850 East North Street for Package (Off-Sale) Malt Beverage License
106. Big D Oil Company dba Big D Oil Co. Store #17, 3540 Sturgis Road for Package (Off-Sale) Malt Beverage License
107. B & L, Inc. dba Boyd's Liquor Mart, 909 E. St. Patrick Street for Package (Off-Sale) Malt Beverage License
108. B & L, Inc. dba Boyd's Liquor Mart, 2001 West Main Street for Package (Off-Sale) Malt Beverage License
109. Robert L. Stiehl dba Circle S Market, 310 Fairmont Boulevard for Package (Off-Sale) Malt Beverage License

110. Moyle Petroleum dba Common Cents Food Store #107, 4128 Canyon Lake Drive for Package (Off-Sale) Malt Beverage License
111. Moyle Petroleum dba Common Cents Food Store, 1909 LaCrosse Street for Package (Off-Sale) Malt Beverage License
112. Moyle Petroleum dba Common Cents Food Store, 1129 West Omaha Street for Package (Off-Sale) Malt Beverage License
113. Moyle Petroleum dba Common Cents Food Store, 2660 Mt. Rushmore Road for Package (Off-Sale) Malt Beverage License
114. M. G. Oil Company dba Corner Pantry, 501 Deadwood Avenue for Package (Off-Sale) Malt Beverage License
115. Nash Finch Company dba Family Thrift No. 253, 1516 E. St. Patrick Street for Package (Off-Sale) Malt Beverage License
116. Fresh Start Convenience. Stores dba Fresh Start-Rapid City, 520 Birch Avenue for Package (Off-Sale) Malt Beverage License
117. I-90 Amoco, Inc. dba I-90 Standard, 2213 N. LaCrosse Street for Package (Off-Sale) Malt Beverage License
118. Kusler's Conoco, Inc. dba Kusler's Conoco, 701 E. St. Patrick Street for Package (Off-Sale) Malt Beverage License
119. Mini Mart, Inc. dba Mini Mart No. 443, 3106 West Main Street for Package (Off-Sale) Malt Beverage License
120. Mini Mart, Inc. dba Mini Mart No. 444, 1627 Mt. Rushmore Road for Package (Off-Sale) Malt Beverage License
121. Mini Mart, Inc. dba Mini Mart No. 447, 1601 North Haines Avenue for Package (Off-Sale) Malt Beverage License
122. Mini Mart, Inc. dba Mini Mart No. 451, 4260 Canyon Lake Drive for Package (Off-Sale) Malt Beverage License
123. Moyle Petroleum dba North Street Smoke Shop, 634 East North Street for Package (Off-Sale) Malt Beverage License
124. Safeway Stores 46, Inc. dba Safeway No. 1554, 730 Mt. View Road for Package (Off-Sale) Malt Beverage License
125. Safeway Stores 46, Inc. dba Safeway No. 581, 2120 Mt. Rushmore Road for Package (Off-Sale) Malt Beverage License
126. James Barry Stoick dba Stoicks, 2303 Jackson Boulevard for Package (Off-Sale) Malt Beverage License
127. Superpumper, Inc. dba Superpumper No. 16, 3275 Highway 79 South for Package (Off-Sale) Malt Beverage License
128. Superpumper, Inc. dba Superpumper No. 27, 2215 Haines Avenue for Package (Off-Sale) Malt Beverage License
129. Jim Buchli dba Rushmore Sinclair, 2420 Mt. Rushmore Road for Package (Off-Sale) Malt Beverage License

Public Works Committee Consent Items

130. No. PW051507-01 – Deny a request to hook up to City water, Monica Besler, 5215 South Canyon Road
131. No. PW051507-02 – Uphold the denial of a request for an exception to place signs in the right-of-way; and to direct staff to provide additional information regarding the possibility of signs in the right-of-way at McDonalds on West Main Street and on Mt. Rushmore Road

132. No. PW051507-04 – Approve a revised Agreement with the Bureau of Reclamation for completion of Deerfield Dam Outlet Pipe Repairs for a total cost of \$250,000
133. No. PW051507-18 - Acknowledge report on Federal Transportation Appropriation request for the restoration of Skyline Drive
135. Acknowledge report on special Council meeting scheduled for May 16, 2007; 12:30 p.m.
136. No. PW051507-05 – Approve Change Order No. 2F (a) for Sheridan Lake Road and Sunset Vista Water Main Extension Project No. W00-947 / CIP No. 50260 to Heavy Constructors, Inc. for an increase of \$2,500
137. No. PW051507-06 – Approve Change Order No. 2F for East Saint Patrick Street Water Main Abandonment and Concrete Panel Replacement Project No. W06-1545 / CIP No. 50622 to Stanley J. Johnsen Concrete Contractor, Inc. for an increase of \$6,099.60
138. No. PW051507-07 – Authorize staff to advertise for bids for Evergreen Drive Water Main Reconstruction Project No. W07-1645 / CIP No. 50678
139. No. PW051507-08 – Authorize staff to advertise for bids for 2007 Street Rehabilitation Project No. ST07-1651 / CIP No. 50549
140. No. PW051507-09 – Authorize staff to advertise for bids for Friendship House Lot Paving
141. No. PW051507-10 – Authorize staff to advertise for bids for one (1) Roll-Off Truck for Waste Collection
142. No. PW051507-11 – Authorize staff to advertise for bids for one (1) Auger Scraper
143. No. PW051507-12 – Authorize staff to advertise for bids for one (1) Roll-Off Truck for Material Recovery
144. No. PW051507-13 – Authorize staff to advertise for bids for one (1) Crawler Dozer equipped with landfill package
145. No. PW051507-14 – Authorize staff to advertise for bids for one (1) Fork Lift for Water Reclamation
146. No. PW051507-16 – Authorize the Mayor and Finance Officer to sign a Grade Agreement with Black Hills Power, Inc. to locate its equipment and facilities for the Dahl Fine Arts center Remodel and Addition Project No. IDP04-1367
147. No. PW051507-17 – Authorize the Mayor and Finance Officer to sign an Agreement with Wyss Associates, Inc. for Alliance of Tribal Tourism Advocates (ATTA) Powwow Gardens and Market site study for an amount not to exceed \$9,500
148. No. 07RD001 – Approve a Resolution renaming a portion of West Chicago Street to Founders Park Drive for petitioner City of Rapid City on Tract 18 and the vacated West Street adjacent to said Tract 18 of Rapid City Greenway Tract and Tract 17, Less Lot H-1 (Also in Section 34, T2N-R7E) of Rapid City Greenway Tract, all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Founders Park Drive.

RESOLUTION RENAMING A PORTION OF
WEST CHICAGO STREET TO FOUNDERS PARK DRIVE

BE IT RESOLVED, by the City of Rapid City, that the portion of West Chicago Street located in Tract 18 and the vacated West Street adjacent to said Tract 18 of Rapid City Greenway Tract and Tract 17, Less Lot H-1 (Also in Section 34, T2N-R7E) of Rapid City Greenway Tract, all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota be, and is hereby, renamed to Founders Park Drive.

Dated this 21st day of May, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 149. No. 07RD002 – Approve a Resolution renaming Farnwood Avenue to Eglin Street for petitioner Dream Design International, Inc. on Lot K-4 Less Lot H1 Marshall Heights Tract, Lot 1 and the S1/2 vacated alley adjacent to said Lot Rapps Addition, Lot 2 and the S1/2 vacated alley adjacent to said Lot Rapps Addition, Lot M located in the NW1/4 SE1/4, the unplatted portion of the N1/2 SE1/4 Lying south of I-90 less that portion SE1/4 NW1/4, unplatted portion of SE1/4 NW1/4 SE1/4 Lying south of H1; unplatted portion of SW1/4 SE1/4 Lying S of Lot H1, Lots 1 and 2 of Bedco Subdivision, all located in Section 30 T2N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of North LaCrosse Street and Rapp Street.

RESOLUTION RENAMING
FARNWOOD AVENUE TO EGLIN STREET

BE IT RESOLVED, by the City of Rapid City, that Farnwood Avenue located in Lot K-4 Less Lot H1 Marshall Heights Tract, Lot 1 and the S1/2 vacated alley adjacent to said Lot Rapps Addition, Lot 2 and the S1/2 vacated alley adjacent to said Lot Rapps Addition, Lot M located in the NW1/4 SE1/4, the unplatted portion of the N1/2 SE1/4 Lying south of I-90 less that portion SE1/4 NW1/4, unplatted portion of SE1/4 NW1/4 SE1/4 Lying south of H1; unplatted portion of SW1/4 SE1/4 Lying S of Lot H1, Lots 1 and 2 of Bedco Subdivision, all located in Section 30 T2N, R8E, Rapid City, Pennington County, South Dakota be, and is hereby, renamed to Eglin Street.

Dated this 21st day of May, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 150. No. 07VE007 – Approve a Vacation of a portion of a Major Drainage Easement for petitioner Fisk Land Surveying & Consulting Engineers, Inc. on Lot 21 of Minnesota Ridge Heights Subdivision, location in the SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 527 Middle Valley Drive.

RESOLUTION OF VACATION
OF A MAJOR DRAINAGE EASEMENT

WHEREAS it appears that a major drainage easement on Lot 21 of Minnesota Ridge Heights Subdivision, located in the SW1/4, Section 13, T1N, R7E, BHM, Rapid City,

Pennington County, South Dakota, more generally described as being located at 527 Middle Valley 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 21st day of May, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

- 151. No. 07VE008 – Approve a Vacation of a Note on a Plat for petitioner Sperlich Consulting, Inc. on Lot 1 of Block 5 of Rapid Valley Subdivision, located in the NE1/4 of the NE1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of E. St. Francis Street and Pecan Lane.

RESOLUTION OF VACATION OF
NOTE ON A PLAT

WHEREAS the Rapid City Council held a public hearing on the 21st day of May, 2007 to consider the modification of a note on a plat on Lot 1 of Block 5 of Rapid Valley Subdivision, located in the NE1/4 of the NE1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of East Anamosa Street and west of North LaCrosse Street; and good cause appearing therefore

BE IT RESOLVED by the Rapid City Council that the note on the plat reading:

"Building setbacks: 30 foot building setback along Pecan Lane and East St. Francis Street"

be vacated on all pages of the original Plat on which it appears.

BE IT FURTHER RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Resolution of Vacation of Note on Plat be approved for the plat on Lot 1 of Block 5 of Rapid Valley Subdivision, located in the NE1/4 of the NE1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on Exhibit A.

Dated this 21st day of May, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

152. No. 07TP009 – Approve a Resolution approving the Surface Transportation Program (Urban Systems) Projects for 2008 – 2012

RESOLUTION

TRANSPORTATION IMPROVEMENT PROGRAM PROJECTS
FOR 2008 – 2012

WHEREAS, the City of Rapid City, South Dakota, desires the design, construction and improvements of the new projects as hereinafter described:

Year 2008	Anamosa Street reconstruction from LaCrosse Street East (existing)	0.22 miles
Year 2008	Anamosa Street reconstruction from LaCrosse Street to Milwaukee Street	0.30 miles
Year 2008	Eglin Street – new alignment from E. North to Eglin (near DOT Entrance)	0.20 miles
Year 2008	E. North Street road design for reconstruction from Cambell St. to Rapid Creek	1.36 miles
Year 2009	Anamosa Street reconstruction from Haines Avenue to Wood Avenue/Willsie Avenue	0.14 miles
Year 2010	Anamosa Street reconstruction from Wood Avenue/Willsie Avenue to Midway Street	0.11 miles
Year 2011	Anamosa Street reconstruction from Midway Street to Milwaukee Street	0.44 miles
Year 2011	Mall Drive reconstruction from Lowes Driveway to Disk (Maple)	0.34 miles
Year 2012	Mall Drive reconstruction from Disk (Maple) to LaCrosse	0.50 miles

AND WHEREAS the City of Rapid City hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for the project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements; and

WHEREAS, the City of Rapid City is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Urban Systems Funds.

NOW, THEREFORE, BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the approved Secondary and Off-System Road Plan Agreement and the State's "Standard Specifications for Roads and Bridges" for the project(s) hereinafter described, including:

Year 2008 – Anamosa Street from LaCrosse Street East (existing)

Construction includes widening Anamosa Street from a two lane to a four lane facility, including design, grading, curb and gutter, storm sewer, sidewalk, PCCP surfacing and roadway lighting.

Estimated project cost: \$1.563 million
Federal funds \$1.281 million
State funds \$0.282 million

Year 2008 – Anamosa Street from LaCrosse Street to Milwaukee Street

Construction includes widening Anamosa Street from a two lane to a four lane facility, including design, grading, curb and gutter, storm sewer, sidewalk, PCCP surfacing and roadway lighting.

Estimated project cost: \$1.249 million
Federal funds \$1.024 million
State funds \$0.225 million

Year 2008 – Eglin Street from E. North Street to Eglin Street near DOT Entrance

Construction includes new five lane facility, including design, grading, curb and gutter, storm sewer, sidewalk, PCCP surfacing and roadway lighting.

Estimated project cost: \$0.95 million
Federal funds \$0.779 million
State funds \$0.171 million

Year 2008 – E. North Street from Cambell Street to Rapid Creek

Project includes preliminary engineering and design.

Estimated project cost: \$0.084 million
Federal funds \$0.069 million
State funds \$0.015 million

Year 2009 – Anamosa Street from Haines Avenue to Wood Avenue/Willsie Avenue

Construction includes widening Anamosa Street from a two lane to a four lane facility, including design, intersection improvements, traffic signals, grading, curb and gutter, storm sewer, sidewalk, PCCP surfacing and roadway lighting.

Estimated project cost: \$1.379 million

Federal funds \$1.130 million
State funds \$0.249 million

Year 2010 – Anamosa Street from Wood Avenue/Willsie Avenue to Midway Street
Construction includes widening Anamosa Street from a two lane to a four lane facility, including design, intersection improvements, traffic signals, grading, curb and gutter, storm sewer, sidewalk, PCCP surfacing and roadway lighting.

Estimated project cost: \$1.020 million
Federal funds \$0.836 million
State funds \$0.184 million

Year 2011 – Anamosa Street from Midway Street to Milwaukee Street
Construction includes widening Anamosa Street from a two lane to a four lane facility, including design, intersection improvements, traffic signals, grading, curb and gutter, storm sewer, sidewalk, PCCP surfacing and roadway lighting.

Estimated project cost: \$1.446 million
Federal funds \$1.185 million
State funds \$0.261 million

Year 2011 – Mall Drive from Lowes Driveway to Disk (Maple)
Project includes widening Mall Drive from a two lane to a four lane facility, including intersection improvements, traffic signals, grading, curb and gutter, storm sewer, sidewalk, PCCP surfacing and roadway lighting.

Estimated project cost: \$1.530 million
Federal funds \$1.254 million
State funds \$0.276 million

Year 2012 – Mall Drive from Disk (Maple) to LaCrosse Street
Project includes widening Mall Drive from a two lane to a four lane facility, including intersection improvements, traffic signals, grading, curb and gutter, storm sewer, sidewalk, PCCP surfacing and roadway lighting.

Estimated project cost: \$2.30 million
Federal funds \$1.885 million
State funds \$0.415 million

It is estimated that the City of Rapid City will have \$1.5 million Urban Systems funds and State matching funds available yearly.

Dated this 21st day of May, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

Legal & Finance Committee Consent Items

153. Approve request from Sioux Falls Water Ski Club to use Canyon Lake Park June 23, 2007 (alternate date June 24, 2007) for Water Ski Show, contingent upon the City receiving proof of liability insurance.
154. No. LF051607-01 – Approve appointment of Duane Charles Hrcir to the Museum Alliance Board (Journey Museum).
155. No. LF051607-02 – Approve reappointment of Jennifer Landguth to the Rapid City Airport Board.
156. No. LF051607-03 – Approve appointment of Rebecca Barnard to the Beautification Committee.
157. No. LF051607-04 – Approve appointment of Kathy Didier to the Historic Sign Review Board.
158. No. LF050207-08 – Approve Friendship House Parking Lot and Alley Paving Project Option No. 2 – Alley Paving for \$27,000 and Parking Lot for \$33,200 for a Total of \$60,200.
159. Approve appointment of Chad Lewis to the Council Development Committee.
160. No. LF051607-05 – Authorize staff to advertise for bids for Vehicle Exhaust Capture System for Fire Station 1 in an Amount not to Exceed \$60,000 (Funding Source – CIP Government Buildings).
161. No. LF051607-06 – Authorize staff to advertise for bids for approximately 102 sets of structural firefighter turnout gear.
162. Authorize staff to apply for the 2007 Assistance to Firefighters Grant from the Department of Homeland Security.
163. No. LF051607-07 – Approve Travel Request for Sheila Hoyer, Air Quality Specialist, to Attend the Instructor Led Training Uniform Air Quality Training Program (UAQTP) in Sacramento, CA August 7-10, 2007 (travel dates August 3-12, 2007) in an approximate amount of \$1,816.
164. No. LF051607-08 – Approve Resolution Establishing City/School Election Officials for Calendar Year 2007.

RESOLUTION ESTABLISHING CITY/SCHOOL
ELECTION OFFICIALS FOR CALENDAR YEAR 2007

WHEREAS SDCL 9-13-16.1 allows local governing boards to appoint an election board for local municipal and school elections

NOW, THEREFORE, BE IT RESOLVED that the following officials be appointed to serve as municipal and school election officials for Calendar Year 2002:

1-1 First Assembly of God Church

Nancy Jensen	Superintendent	5440 Plains Vista Ct.
Gerda Phoenix	Judge	1332 Panorama Cir.
Diane Dahl	Judge	1333 Panorama Cir.

1-2 Bible Rapid City Christian High School

Laura Franklin	Superintendent	3730 Maple Ave.
Phyllis DeLap	Judge	409 E. Idaho St.
Diana Auwerter	Judge	3323 Cyprus St.

1-3 Grandview School

Kathy Strand	Superintendent	3610 Wisconsin St.
Patty Rezin	Judge	118 Texas St.
Betty Richards	Judge	5 Texas St.
Evelyn Eccleston	Judge	3514 Wisconsin
Cindy Friske	Judge	3406 Parkview Dr.
1-4 Walter Taylor 4H Bldg (Fairgrounds)		
Jim McEwen	Superintendent	3867 Byrum Ct.
Arlyce Fuhrmann	Judge	3800 Jolly Ln.
Ilene Johnson	Judge	3712 Mulligan Ct.
2-1 Rapid City Public Library		
Norma Thomsen	Superintendent	2723 Oak Ave.
Phyllis Olson	Judge	2805 Oak Ave.
Mary Lou Eherke	Judge	4150 Villa Ridge Ct.
2-2 Valley View Elementary (2-5 combined with 2-2)		
Thelma Jensen	Superintendent	631 Franklin St
Lela Carsner	Judge	606 Franklin St
Johanna Denker	Judge	101 St. Charles St.
2-3 Walter Taylor 4H Bldg (Fairgrounds)		
Darlene Barry	Superintendent	721 E. Chicago St., #35
Irene Nelson	Judge	605 Cleveland St.
Jean Hinzman	Judge	2705 Wisconsin Ave.
2-4 South Middle School		
Mary Strandell	Superintendent	813 St. Patrick St.
Barb Alexander	Judge	2514 Grandview St.
Linda Baldwin	Judge	3301 Wisconsin St.
3-1 Jackson Heights Highrise (50/50 cost share city/school)		
Anna Keller	Superintendent	618 Sheridan Lake Rd. #324
Kathryn Larson	Judge	616 Sheridan Lake Rd. #117
Darlene Pich	Judge	616 Sheridan Lake Rd., #114
3-2 Whispering Pines VFD		
Mary Vee Knauer	Superintendent	8642 Sheridan Lake Rd.
Jeanette Bjugstad	Judge	3664 Moon Meadows Dr.
Sharon Blanks	Judge	8551 Dunsmore Rd.
3-3 Westside Baptist Church (50/50 cost share city/school)		
Bryan Keck	Superintendent	2332 Huntington Pl
Louise Flack	Judge	3845 Twilight Dr
Janet Henzlik	Judge	4021 Oakmont Ct
3-4 Blessed Sacrament Church (50/50 cost share city/school) (3-4 combined with 3-6)		
Sandy Kading	Superintendent	4580 S. Glenview Pl.
Diana Springsted	Judge	3820 Ponderosa Ct.

Jody Stampe	Judge	4518 Steamboat Cir.
Jane Kading	Judge	5544 Wildwood Dr
3-5 Meadowbrook School (50/50 cost share city/school)		
Mardeena Bentz	Superintendent	2404 Central Blvd.
Cindy Horning	Judge	2217 Arrowhead
Joyce Peabody	Judge	2801 Rawhide Dr
3-7 Canyon Lake United Methodist Church (50/50 cost share city/school)		
Brenda Jansen	Superintendent	1810 Sunvalley Dr
Maxine Sammeli	Judge	2022 Juniper Dr
Leslie Jackson	Judge	4980 Skyview Dr
4-1 Civic Center Room 102 Theatre Entrance		
Nadine Zeller	Superintendent	820 Polaris Ct.
John Zeller	Judge	820 Polaris Ct.
Charles Doherty	Judge	737 Lion Dr
4-2 Bethel Assembly of God Church		
Esther Lehmann	Superintendent	10 Anamosa St.
Albert Lehmann	Judge	10 Anamosa St.
Claudia Scovel	Judge	3510 Hall St.
4-3 Civic Center Room 102 Theatre Entrance (4-4 combined with 4-3)		
Onita Stout	Superintendent	3405 Belle Vista Ct.
Kathy Roth	Judge	3320 Dover St.
Linda Doherty	Judge	737 Lion Dr.
5-1 South Canyon School		
Richard Camp	Superintendent	4109 Brookside Dr.
Ruth Camp	Judge	4109 Brookside Dr.
Mary Lou Saugstad	Judge	4231 Brookside Dr.
5-2 Canyon Lake Senior Center		
Susan Hixson	Superintendent	6400 Nameless Cave Rd.
Mae Jo Thompson	Judge	1805 Morningside Dr.
Mary Kelley	Judge	1314 7 th St.
5-3 Pinedale School		
Betty Jansen	Superintendent	806 San Marco St.
Florence Mrnak	Judge	4538 Wentworth St.
Bev Spargo	Judge	4603 So. Canyon Rd.
5-4 West Park Apartments		
Rene Smith	Superintendent	901 Fairview St.
Mary Zill	Judge	2027 Roosevelt Ave.
Judy Geis	Judge	907 Franklin St.
5-5 Horace Mann School		

Patricia Foley	Superintendent	1809 Morningside Dr.
Donald Foley	Judge	1809 Morningside Dr.
Agnes Jenson	Judge	913 Anamosa St.

Resolution Board	
Al Schaefer	Republican
John Mairose	Democratic

Dated this 21st day of May, 2007.

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

ATTEST:
s/ James F. Preston
Finance Officer

(SEAL)

165. Acknowledge the following volunteers for workmen compensation purposes: Steph Thibault-Veilleux, Jean Tubs-Escandon, Wende Montgomery, Charyl Taylor, Ronelle Farmer, Rebecca Anderson, Carol Furiga, Gail Blanton, Keesha Brooks, Tammy Lenz, Morgan Lenz, Laurie Lipel, Gerald Miller, Brian Welbig, Kay Moore, Kara Dymnicki, Stacey Red Willow, Lisa Anderson, Donnett Bowman, Tadd Bowman, Matthew Red Willow, Emmalynn Red Willow, Pam Ramp, Trinity Carbajal, Deb Ziek, Berkley Swanson, Meya Baumgart, Sheridan Blair, Dylan Nelson, Cassius Raminez, Haley Red Boy, Savanna White Horse, Bryanna Bach, Allison Horkey, Thayne Bader, Branden Blanchard, Autumn Tetson, Ethan Kruse, Ethan Lippincott, Payton Maloney, Mystic Ollendick, Autumn O'Neal, Erika Pourier, Emily Rooks, Nicolas Salazar, Brian Griffith, Tim Crawford, Bill Kingrey, James Robidoux, Shivani Patel, Hannah Young, Hayleigh Young, Larry Mayes, Mary Victor, Chad Catron, Nancy Gunter, Pat Bilek, Vickie Atkinson, L. Banks, Kayne Larimer, Chris Sugrue, Nehemiah Larimer, Caleb Larimer, Sam Ellison, Scott Caesar, Josie Bure, Travis Eddy, John Hempe, Alex Hempe, Phillip Rogers, Tony Arnio, Dan Arnio, Matt Sigler, Genene Sigler, Hazel Rogers, Shailesh Patel, Jack Griffith, John Robidoux, Sagar Patel, Cooper Griffith, Trinity Perez, Evan Geiger, Karen Griffith, Ron R Roland, Jon Boone, Nila Boone, Mildene Turpin, Laura Abrahams, Marilyn Borgeson, Dave Linde, Cliff Coleman, Ethel Gibbons, Larry Mayes, Roberta Triggs, Leah Lashley, Taylor Wallace, Shayna Kintigh, Kaitlyn Barlow, Linda Larson, Zach Larson, Conner Lipp, Jacob Lipp, Michelle Lipp, Colton, John, Cody Jackson, Kathie Jackson, Kalle Jackson, Andrew, Kristina, Vincent, Tristen, TJ, KJ, Jim Mars, Mrs. McDowell, Toni Jacobs, Ed Hubbeling, Jaren Kovall/Bob Scarlett, Quinn Lewis/Kevin Lewis, Steven Carriero, Paul Grahek/Ralph Grahek, Jesse Johnson, William Johnstone/Bruce Johnstone, Colleen Johnstone, Matthew Carriero/John Carriero, Richard Keller/Mike Keller, Mason Kaup/Jack Kaup, Sean Maher/Kevin Maher, Brady Evans/Bruce Evans, Matthew Vidal/Vince Vidal, Gab Elder/Mark Elder, Parker Oleson/Greg Oleson, Ethan Oleson, Michael Josten/Greg Josten, Andrew Josten, Morgan Philips/Jim Philips, Joseph Carlin/Joe Carlin, Terry Newkirk, Angela Taylor, Spencer Wall, Brier Bossman, Danial Prince, Nathan Bell, Hunter Mercado, Vassago Prines, Amanda Prines, Jean French, Katie French, Rachael French, Jacob French, Joshua French, Mike French, Jana Senesac, Dustin Lenhoff, Morgan Lenhoff, Ashley Larson, Kate Schrader, Kate Sieverding, Ivee Eder, Ashlyn Moore, Bailey Leonard, Shay

Jiron, Miranda Marks, Mariah Marks, Bill McBride, J C Powell, Cherri Cloos, Michael Doyle, Earl Stucke, Leo Zoug, Bill McBride, Jim Kissel, Tom Allen, Gene Drake, Mark Stucke, Jon Dixon, Ed McLaughlin, David Stucke, Smokey Lien, Tim French, Lou Usera, Sr, Ralph Schwab, Rick Doerr, Brett Hanson, David Verhey, Andy Hanson, Randall Hess, Zach Hess, Matthew Hess, Henry Orbon, John Rapp, Michael Hanson, Dan Joston, Dean Hade, Greg Joston, Rodney Strobe, Quinton Hess, Stephanie Meyer, Doug Rumpca, Steve Blake, Terry Olson, Kyle Mattison, Deb Thomas, Trent Taylor, Lisa Pilker, Ray Pechous, Ken Hovey, Cody Burton, Marty Pearson, Susan Eisenbraun, Paul Baran, Alan Campbell, Steve Colton, Shelley Furse, Larry Brock, Lanny Wells, Pam Wells, Doug Pietersma, Tifara Pietersma, David & Claudia Piper, Lee Dennison, Brad Solecki, Michael Solecki, Dillon Wilson, Mary Jo Egger, Patricia Trumble, Gery Hutchins, Winston Hutchins, Delores Cooper, Richard Cooper, Lawren Erickson, Beth Coats, Zach Coats, Emily Coats , Jeremy Coats, Kathy Coats, Melanie Karp, Debra Culp, Clair Oebrecht, Patricia Pummel, Gene Crawford, Ryan Miller, Tim Sheehan, Rocky Demery, Jim Osburn, Nobel Veal, Leroy Schecherm Harvey Malon, Merle Swenson, Mike Valland, David Carter, J Anderson w/2 sons, Jim Osburn, Willie Domagall, Penny Jarvis, Lori Kline, Mark Kline, Carter Kline, Joey Jarvis, Keegan Kline, Delaney LaDeaux, Nick Lowry, Logan Socia, Patty Kaul, Joan Bender, Deb Fouberg, Charlie Petrik, Marie & Mike Sete, Era Fouberg, Penny Kaul, Kebetha Flanagan, Nora Kertzman, Debra Darnall, Jame Rice, Michael Gruesbeck, Sam May, Cory Caswell, Audie Schmid, Britney Roderiques, Karley Campbell, Shannon Leland, Kenzie DeBerg, LeeRae Varney, Hannah Caswell, Rhiannon Sieg, Cole DeJong, Christian Clark, Michael Turley, Sara Peet, Makena Peet, Mike Barrett, Pastor Deb Mack, Norm Mack, Shirley Moore, Michael Moore, Donna Perez, Rich Perez, Jeanine Albers, Gary Forbes, Sonya Smith, Kelsey Smith, Crysta Lemmel, Kalen Lemmel, Merrisa Hall, Terry Ragels, Pastor Dan Menefee & Family, Dennis Dayle, Charlie Dayle, Barb Stratton, Dave Stratton, Ron Burbe, Ann Burbe, Dennis Gusse, Diana Gusse, Harold Blesh, Kjellerson, Connie Hanson, Keithen Griffin, Patti Griffin, Summer Griffin, Blake Walker, Ethan Steinhart, Sue Plato, Nate Green, Latte Plato, Toby Plato, Savanna Plato, Emmitt Folsland, Pat Folsland, Gale Folsland, Carol & Dan Conrad, Aaron, Sarah, Chris Junde, Moe Blaine, Jacob Ragels, Melinda Hunt, Jennifer Reiser, Carolyn Maxson.

166. Set Special Council meeting for Friday, June 8, 2007 at 12:30 p.m. to canvass municipal election results.
167. No. LF051607-14 – Authorize Mayor and Finance Officer to Sign 2007 Municipal Election Agreement.
168. No. LF051607-09 – Approve Travel Request for John Leahy to attend SWANA Landfill Symposium & Planning & Management Conference in San Diego, CA, June 24-28, 2007, in an approximate amount of \$2,038.
170. No. LF050207-18 – Refer establishing a Sister City program with Suriname back to Lieutenant Colonel Tracy Settle and advise him that if he and others are interested in pursuing this, they will have the support of the City.
171. No. LF051607-12 – Approve request from Chuck Wendt, d/b/a CW Enterprises for ice cream vending license.
172. No. LF051607-13 – Approve raffle request from The Dahl.
173. Approve the following licenses: Residential Contractor: Jerry Mills, Mills Construction; Wallace Bork, Knecht Home Center LLC; Scott McCaskell, Scott McCaskell Construction; Dan & Donna Pesicka, Pesicka Corporation; and Jenny Jimenez, Black Hills Quality Construction; Electrical Journeyman: Mareno Eder and Shawn Barrows; Mechanical Apprentice: Dustin Hellman, Justin Rantapaa, Sebastiao Da Silva, Norman Winkelman,

Phil Hawki, and Tyler Stone; Mechanical Installer: Mitch Shaffer, Mark Anderson, Zakary Leier, Loren Ryman, Jon Trimble Jr., Steve Volk, Dennis Carlton, and Jason Wold; Mechanical Contractor: Josh Eccleston, J & E Heating & Cooling; Dave Williard, FBI Mechanical Electrical; Lonny Ryman, D & R Service; Steve Prestjohn, Black Hawk Plumbing; and Mark DeWit, Baete-Forseth HVAC; Plumbing Plumber: Tom Cooper, Scott Martin, and Donald Schnittgrund; Sewer & Water Journeyman: Joel Bodurtha.

Growth Management Department Consent Items

174. No. 07PL059 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Alan A. Neiger for a **Layout Plat** on Lot 1 Revised and Lot of Block 5 of Highland Park Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 5 (less Lot H1) and the balance of Block 5 of Highland Park Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Highland Park Drive and Mount Rushmore Road. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a grading and erosion plan shall be submitted for review and approval; 2. Upon submittal of a Preliminary Plat application, drainage information shall be submitted for review and approval. In particular, the drainage plan shall include calculations demonstrating drainage flows which will be adequately conveyed from the site without impacting downstream property and streets, flow direction, collection system and required detention. In addition the plat document shall show any required drainage easements. 3. Upon submittal of a Preliminary Plat application, the applicant shall submit information identifying the location of all proposed and existing water and sewer mains, and service lines; 4. Upon submittal of a Preliminary Plat application, the applicant shall submit plans prepared by a Registered Professional Engineer identifying the location of utilities, storm drainage, street light conduit, curb, gutter, and sidewalk for all proposed access easements and streets, or obtain a Variance to the Subdivision Regulations; 5. Upon submittal of a Preliminary Plat application, the applicant shall submit for review and approval a geotechnical report, including pavement design; 6. Upon submittal of Preliminary Plat application, the applicant shall provide design details prepared by a Registered Professional Engineer that demonstrates that the shared approach for Lot 1 and Lot 2 meets City design standards; 7. Upon submittal of a Preliminary Plat application, the applicant shall revise the boundary survey document to identify all parking spaces for Lot 2, including handicap and van accessible parking spaces. The revised plan shall demonstrate that the minimum number of parking spaces as identified in Section 17.50.20 have been met for the current use; 8. Upon submittal of a Preliminary Plat application the applicant shall revise the plat document to show a non access easement where Mount Rushmore Road abuts Lot 1, and a non access easement where Highland Park Drive abuts Lot 1 a distance of 85 feet, as measured from the northeast property corner of Lot 1; 9. Upon submittal of a Final Plat, the applicant shall remove the existing structure on Lot 1. The applicant is required to obtain all necessary permits from the Building Inspection Department prior to demolition; 10. Prior to approval of a Preliminary Plat application the applicant shall obtain a Major Amendment to a Planned Commercial Development to allow for a minimum front yard setback of 11.5 feet on Lot 2; 11. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 12. 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, 13.

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

The next item for discussion is to direct staff to initiate an application to vacate a portion of the right-of-way between the home and sidewalk, at no cost to the residents in the 900 block of Lemmon Avenue, four blocks south to the dead end. City Engineer Ellis indicated that upon a site inspection, vacating the four blocks south might cause some conflict with the existing utilities and sidewalks that are located within the right-of-way. He asked that staff be allowed to re-examine the area in order to bring a recommendation to the Council. Johnson moved, second by Hadcock to refer the item to the May 29, 2007 Public Works Committee meeting. Substitute motion was made by LaCroix, second by Kroeger to direct staff to initiate an application to vacate a portion of the right-of-way between the home and sidewalk, at no cost to the residents only in the 900 block of Lemmon Avenue on the east side; and refer the four blocks south to the dead end to the May 29, 2007 Public Works Committee meeting. Motion carried.

The Mayor presented No. LF051607-10 -- authorize the Mayor and Finance Officer to sign a Project Agreement with the Department of Public Safety, Office of Highway Safety. Alderman Chapman reminded the members of a pedestrian accident on Fifth Street that resulted in the formation of a task force that was charged with reviewing school crossings, speed limits in school zones and residential neighborhoods, the appropriateness and prioritization of traffic signals, warning lights, and other devices for pedestrian crossings, traffic safety enforcement by the Police Department, and the development of a comprehensive public awareness campaign. After submitting a request of funding during the budget hearing, and being denied, Chapman explained that the City applied and received a \$21,200 grant from the Department of Public Safety – Office of Highway Safety for the 2007 public awareness campaign. Chapman also explained that the Marketing Managers of Rapid City, a volunteer group, offered their marketing expertise to create the entire public awareness campaign. Chapman indicated that the City, over the next two years, will receive two additional grants from the Department of Public Safety.

Chapman moved, second by Hurlbut and carried to authorize the Mayor and Finance Officer to sign a Project Agreement with the Department of Public Safety, Office of Highway Safety.

The Mayor presented No. 07PL060, a request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1, 2 and 3 of Forefather Flats Subdivision, located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as that portion of the SW1/4 located north of Interstate 90, including Lot 3 of Starlite Subdivision, Less GLM Subdivision No. 2, all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Dyess Avenue and north of Interstate 90. Hadcock moved, second by LaCroix and carried to continue the Preliminary Plat to the June 4, 2007 Council meeting.

Okrepkie moved, second by Hurlbut and carried to open public comment on Items 176-191. Owen Emme, Rapid City addressed item #177 (07RZ014) explaining that he is a former resident of the Braeburn Addition. He explained that he had pledged ownership of his property to the City after '72 flood. He asked that the City not allow any development in this area and risk the life's of others. Steven Brenden, Rapid City addressed items #177 (07RZ014) to #184

(07RZ039) asking that first reading ordinances for rezones have links; item #190 (PW122606-11) indicating support for sidewalks, but asking that the item be continued to allow him an opportunity to visit with his neighbors about the sidewalks. Fred Thurston, Rapid City addressed item #187 explaining that it is their intent to negotiate with the General Contractor, a previously discussed change order. Chapman moved, second by LaCroix and carried to close public comment on Items 176-191.

NON-CONSENT ITEMS – Items 176 - 191

ORDINANCES

Ordinance No. 5292 (No. LF051607-11), to Amend the Service Call Charge on After-Hour Requests to Reconnect Water and to Delete the Shut Off Policy for New Accounts by Amending Certain Subsections of Section 13.04 of the Rapid City Municipal Code was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5292 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 4, 2007.

Ordinance No. 5293 (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 and carried to continue Ordinance No. 5293 to the June 4, 2007 Council meeting.

Ordinance No. 5294 (No. 07RZ022), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by City of Rapid City for a **Rezoning from Low Density Residential District to General Agriculture District** on Lot 4 of Block 16 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota less the following described property: beginning at the northwest corner of Section 29, thence S89°56'23"E, 2053.37 feet; thence S00°00'39"W, 77.05 feet to a point of curvature; thence southerly along the arc of said curve to the right whose radius is 374.00 feet and whose delta is 21°21'18", an arc length of 139.40 feet to a point on said curve; thence N68°38'03"W, 150.00 feet; thence S42°44'25"W, 163.28 feet; thence S88°50'49"W, 453.19 feet; thence S85°24'59"W, 183.42 feet; thence N74°24'46"W, 476.27 feet; thence N79°54'55"W, 162.92 feet; thence S79°09'58"W, 154.84 feet; thence S19°17'53"E, 150.00 feet to a point lying on a curve concave to the south and whose chord bears S69°10'39"W, 20.01 feet; thence westerly along the arc of said curve to the left whose radius is 376.00 feet and whose delta is 03°02'57", an arc length of 20.01 feet; thence N19°17'53"W, 150.15 feet; thence S65°34'24"W, 254.94 feet to a point lying on a curve concave to the south and whose chord bears N77°30'26"W, 120.54 feet; thence westerly along the arc of said curve to the left whose radius is 226.00 feet and whose delta is 30°56'04", an arc length of 122.02 feet; thence N00°18'22"W, 263.37 feet to the point of beginning, all located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Bethpage Drive between Prestick Road and Lundin Court was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5294 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 4, 2007.

Ordinance No. 5295 (No. 07RZ023), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by City of Rapid City for a **Rezoning from Low Density Residential District to General Agriculture District** on Lot 8 of Block 15 and Outlot G-1 of Red Rock Estates; and the balance of Tract 1 less Red Rock Estates and less right of way; and well lot and the balance of Picardi Ranch Road of the Red Ridge Ranch; and the W1/2 NW1/4 NE1/4 less Red Ridge Ranch and less Red Rock Estates and less right-of-way; and the E1/2 NW1/4 NE1/4 less Red Ridge Ranch and less right-of-way; and the SW1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates less Red Rock Estates Phase 1A and less right-of-way; and the E1/2 NW1/4 less Red Rock Estates and less right-of-way; and the E1/2 NE1/4 less Red Rock Meadows Subdivision, less Red Rock Estates, less Lot H1 and less right-of-way; all located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Muirfield Drive and Potrush Road between Prestwick Road and Kennemer Drive was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5295 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 4, 2007.

Ordinance No. 5296 (No. 07RZ024), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by City of Rapid City for a **Rezoning from Low Density Residential District to General Agriculture District** on Outlot G less Lots 20 and 21 of Block 2 and less Lots 4 and 5 of Block 4 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Muirfield Drive and east of Prestwick Road was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5296 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 4, 2007.

Ordinance No. 5297 (No. 07RZ025), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by City of Rapid City for a **Rezoning from Low Density Residential District to General Agriculture District** on Lot 2 of Block 24 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located between Dunsmore Road and Kennemer Drive and south of Donegal Way and north of Portrush Road was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5297 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 4, 2007.

Ordinance No. 5298 (No. 07RZ026), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by City of Rapid City for a **Rezoning from Low Density Residential District to General Agriculture District** on Outlot 1 of Red Rock Estates and Outlot A of Tract A of Countryside Subdivision all located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Portrush Road and Muirfield Drive was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5298 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 4, 2007.

Ordinance No. 5299 (No. 07RZ027), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by City of Rapid City for a **Rezoning from Low Density Residential District to General Agriculture District** on Lot 6 of Block 9 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Bethpage Drive and Prestwick Road was introduced. Okrepkie moved, second by LaCroix and carried that

Ordinance No. 5299 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 4, 2007.

Ordinance No. 5300 (No. 07RZ039), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the E1/2 of the SE1/4 SE1/4 and Easterly 33' of E1/2 of NE1/4 SE1/4 all located in Section 21, T2N, R8E, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Seger Drive and North Elk Vale Road was introduced. Okrepkie moved, second by LaCroix and carried that Ordinance No. 5300 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 4, 2007.

Ordinance No. 5281 (No. LF050207-20), Repealing Chapter 1.08 of the Rapid City Municipal Code Relating to Wards and Precincts and Adopting a New Revised Chapter 1.08 of the Rapid City Municipal Code having passed first reading on May 7, 2007; Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, SD, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5281 was declared duly passed upon its second reading.

Ordinance No. 5282 (No. LF050207-21), Amending the Prohibition on Aggressive Solicitation Within the City of Rapid City by Amending Section 9.08.020(B)(4) of the Rapid City Municipal Code having passed first reading on May 7, 2007; Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: Schumacher, Olson, Kroeger, SD, Chapman, Johnson, LaCroix, Okrepkie, Hurlbut, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5282 was declared duly passed upon its second reading.

LEGAL & FINANCE COMMITTEE ITEMS

The next item for discussion is the scheduling of a special Council meeting regarding the Civic Center. Motion was made by Okrepkie, second by LaCroix for discussion, to approve. Alderman Olson indicated the discussion at Committee was about the procedure of calling a special Council meeting and notifying Council members. City Attorney Green outlined several options to notify Council members. He indicated that by ordinance, a written notice is required; and an e-mail complies with the requirement that the notice be in writing. He also suggested that the U.S. mail can be used, but this hinders the Council if it is a short notice. The other option is to serve the Council members, by having the notices prepared and delivered by the Police. He indicated that telephone calls can be added to the ordinance. Mayor Shaw explained that a special Council meeting can be called by the Mayor or three Council members. The Finance Office is charged with preparing the agenda and the notices to the Council and media. Council President Johnson noted that in years past, Council members were informed of a special meeting, by telephone.

Substitute motion was made by Johnson, second by Chapman to refer the scheduling of special Council meetings to the May 30, 2007 Legal & Finance Committee meeting for further discussion; and in the interim, ask the Finance Office to contact Council members, by telephone, about special Council meetings. Alderman Schumacher asked that the Council consider teleconferencing for special Council meetings.

Second substitute motion was made by Kroeger, second by LaCroix to table. Upon a roll call vote, the second substitute motion failed with the following voting AYE: Kroeger and LaCroix; NO: Schumacher, Olson, Kooiker, Chapman, Johnson, Hurlbut, and Hadcock.

Upon a vote being taken on the substitute motion to refer to the Legal & Finance Committee meeting, motion carried.

PUBLIC WORKS COMMITTEE ITEMS

Olson moved, second by Kroeger to (No. PW032707-02) approve a request to install decorative street lights; and to approve a request that the City assume operation and maintenance; and to approve a request that staff select four acceptable styles to choose from (Harley Taylor). Motion carried.

Olson moved, second by Johnson to (No. PW051507-15) approve a Perpetual Right-Of-Way and Easement to Black Hills Powers, Inc. on property specifically described as Lot 1-5; N1/2 vacated alley adjacent said lots located in Original Town of Rapid City in T1N, R7E, Section 1, BHM, Pennington County, South Dakota. Motion carried.

The next item for discussion is No. PW122606-11 - Canyon Lake Drive Sidewalk Installation. City Engineer Ellis indicated that in a previous action, the City Council ordered in sidewalks along Canyon Lake Drive that affect thirteen property owners. He indicated that the estimated cost for those property owners to install sidewalks is \$23,000. Ellis pointed out an area along Canyon Lake Drive from Soo San to the National Guard that currently has no sidewalk, and indicated the estimated cost to install the sidewalk is \$80,000 - \$90,000. He explained that the City will absorb the cost of this section of sidewalk as the City does not have the ability to assess the cost of the sidewalk to other governmental entities. Ellis suggested a phased sidewalk project funded through the Capital Improvements Program.

Johnson moved, second by LaCroix to direct staff to proceed with the assessed project as identified; and refer the remaining sidewalk boundaries to the Capital Improvements Program Committee for review and recommendation.

Substitute motion was made by Kroeger, second by Hadcock to continue the assessed sidewalk project and refer the remaining sidewalk project to the Capital Improvements Program Committee. Motion carried.

BIDS

The following companies submitted bids for No. CC052107-02, Omaha Street Corridor Enhancement Project Phase 1, South Memorial Park Project No. POENH (131) PCN H107 opened May 15, 2007: Ainsworth-Benning Construction, Inc. and R. C. S. Construction, Inc. Staff reviewed the bids and recommends the bid award be continued. Olson moved, second by Johnson and carried to continue the bid award for Omaha Street Corridor Enhancement Project Phase 1, South Memorial Park Project No. POENH (131) PCN H107 to the June 4, 2007 Council meeting.

COUNCIL ITEMS & LIAISON REPORTS

Alderman Hadcock reminded the members that May is Motorcycle Awareness Month.

Aldermen Okrepkie and LaCroix reported on their attendance at the St. Paul, MN Conference on Homeland Security Inoperability.

PUBLIC HEARING ITEMS – Items 192 - 251

Okrepkie moved, second by LaCroix and carried to open the public hearing on Items 192-251. No comments were offered.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 192 - 227

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

218. No. 07SV013 - A request by Dream Design International, Inc. for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code

218.A. Authorize the Mayor and Finance Officer to sign a waiver of right to protest any future assessment for the installation of curb, gutter, sidewalk, street light conduit, water and sewer along Interstate 90 (07SV013)

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

Continue the following items until June 4, 2007:

192. No. 05VR014 - A request by Sperlich Consulting, Inc. for Doeck, LLC for a **Vacation of Section Line Highway** on that portion of the statutory Section Line Right-of-Way lying in the NE1/4, SE1/4, Section 13, T2N, R7E, and that portion of the statutory Section Line Right-of-Way, lying in Tract 5, Sletten Addition, located in the NW1/4, SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the north to east curve of West Nike Road.
193. 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.
194. 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.

195. 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.
196. 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.
197. 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.
198. No. 06PL178 - A request by Boschee Engineering for OTS, Inc. for a **Preliminary Plat** on Lots 1 thru 8 of Block 1, lots 1 thru 8 of Block 2, Lots 1 thru 17 of Block 3, and lots 1 thru 9 of Block 4, Catron Crossing Subdivision located in the SW1/4 SW1/4, W1/2 SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SW1/4 SW1/4 W1/2 SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southern terminus of Bendt Drive.
199. 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.
200. 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.

201. 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.
202. 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.
203. 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.
204. 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.
205. 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.
206. 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, southwest 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 $10^{\circ}54'37''$, an arc length of 121.49 feet, and a chord bearing of $N82^{\circ}49'25''E$ and chord distance of 121.30 feet; thence, $N44^{\circ}21'49''E$, a distance of 14.30 feet, more or less; thence, $N00^{\circ}00'00''W$, a distance of 15.20 feet, more or less; thence, $N90^{\circ}00'00''E$, a distance of 52.00 feet, more or less; thence, $S00^{\circ}00'00''E$, a distance of 15.13 feet, more or less; thence, $S45^{\circ}00'00''E$, a distance of 14.14 feet, more or less; thence, $N90^{\circ}00'00''E$, 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, $S00^{\circ}05'16''E$, 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, $S00^{\circ}05'03''E$, 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, $S00^{\circ}03'43''E$, a distance of 781.29 feet, more or less; thence, $S89^{\circ}47'47''W$, 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, $N22^{\circ}39'36''W$, 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.

207. 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.

208. 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.
209. No. 07PL034 - A request by Ron Davis for Davis Engineering, Inc. for a **Preliminary Plat** on Lots 8 thru 12 of Block 5; Lot 11 of Block 6; Lots 1 thru 3 of Block 7; and Lot 2 of Block 8 of Murphy Ranch Estates Subdivision, located on the NE1/4 of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the unplatted balance of Tract F on the NE1/4 of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located east of Reservoir Road and south of Longview Road.
210. No. 07PL038 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 through 7 of Block 1, Tracts A, B, C, D, and E of Block 2, Lots 1 through 9 of Block 3, Tracts G and J, of Rushmore Crossing, and Eglin Street (formerly part Farnwood Avenue), Luna Avenue extension, areas dedicated for public right-of-way purposes, easements and vacation of easements and public right-of-ways of Rushmore Crossing in Sections 29, 30 and 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota, legally described as Lots BR of Lots 2 of the SE1/4 SW1/4 of Section 29; Lots C of Lots 2 of the SE1/4 SW1/4 of Section 29; Tract C of the SW1/4 of Section 29; Lots 1 of the SW1/4 SE1/4 Section 29; Lots A of Lots 1 and 2 on the SE1/4 SE1/4 of Section 29; Lots 1R of Lots 1 and 2 of the SE1/4 SW1/4 of Section 29; unplatted portions of the SW1/4 of Section 29; Lots H-1, located in the N1/2 SE1/4 of Section 30; part of Lots 1 and 2, Block 2 of Rapps Addition, located in the SE1/4 of Section 30; part of Lots M, located in the NW1/4 SE1/4 of Section 30; part of Lots K-4 of Marshall Heights Tract, located in the SW1/4 of Section 30; and the unplatted portions of the SE1/4 of Section 30; and Tract C in the NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Interstate 90 and North LaCrosse Street.
211. No. 07PL045 - A request by Sperlich Consulting, Inc. for Gordon Howie for a **Preliminary Plat** on Lots 25 thru 32 of Block 18, Lots 9 thru 15 and Lots 18 thru 20 of Block 24, Lots 4 thru 9 of Block 25, and Lots 1 thru 5 of Block 26, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Savannah Street and southeast of the intersection of Albert Land and Plateau Lane.
212. No. 07PL053 - A request by Renner & Associates, LLC for Stephen E. Hilton for a **Layout Plat** on Hilton Tract of Palmer Subdivision of Section 14, T2N, R6E, BHM, Pennington County, South Dakota, legally described as Tract A of Palmer Subdivision and the SW1/4 of the NW1/4 of Section 14, T2N, R6E, BHM, Pennington County, South Dakota, located east of Potter Road and north of Palmer Road.

213. No. 07PL054 - A request by Cody Schad for a **Layout Plat** on Lots 1, 2, 3 and 4 of Quartz Canyon Subdivision, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Government Lot 1, and Lot A of Lot 2 of SW/14 NW/14, and Government Lot 2 less Lot A, all of Section 7, T1S, R7E, BHM, and Government Lot 6 of Section 6, T1S, R7E, BHM, Pennington County, South Dakota, located near the Strato Bowl.
214. No. 07RZ012 – Second Reading, Ordinance No. 5267, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by Dream Design International, Inc. for a **Rezoning from No Use District to General Commercial District** on Lot 1 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Elk Vale Road and Creek Drive.
215. 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.
216. 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, $S89^{\circ}59'08''W$, 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, southwestly along the northerly edge of Copperfield Drive right-of-way, $S71^{\circ}30'56''W$, 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, northwestly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, $N88^{\circ}29'49''W$, a distance of 83.02 feet, more or less; thence, continuing northwestly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, $N88^{\circ}29'49''W$, 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, northwestly along the north line of said Lot 3 in Block 7 of Copperfield Subdivision, $N88^{\circ}42'16''W$, 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, northwestly along the north line of said Lot 4 in Block 7 of Copperfield Subdivision, $N88^{\circ}18'11''W$, 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, northwestly along the north line of said Lot 5 in Block 7 of Copperfield Subdivision, $N71^{\circ}45'04''W$, a distance of 68.75 feet, more or less; thence, $N15^{\circ}55'14''E$, a distance of 104.91 feet, more or less; thence, $N74^{\circ}04'46''W$, a distance of 45.00 feet, more or less; thence, $N15^{\circ}55'14''E$, a distance of 160.58 feet, more or less; thence, $S76^{\circ}13'24''E$, a distance of 120.24 feet, more or less; thence, $S78^{\circ}04'22''E$, a distance of 59.02 feet, more or less; thence, $N13^{\circ}46'36''E$, a distance of 98.10 feet, more or less; thence, $N76^{\circ}13'24''W$, a distance of 13.77 feet, more or less; thence, $N13^{\circ}46'36''E$, a distance of 52.00 feet, more or less; thence, $S76^{\circ}13'24''E$, a distance of 5.67 feet, more or less; thence, $N13^{\circ}46'36''E$, a distance of 80.12 feet, more or less; thence, $N00^{\circ}35'05''E$, a distance of 68.76 feet, more or less; thence, $N00^{\circ}00'00''W$, a distance of 83.80 feet, more or less; thence, $S90^{\circ}00'00''W$, a distance of 0.65 feet, more or less; thence, $N00^{\circ}00'00''W$, a distance of 52.00 feet, more or less; thence, $N90^{\circ}00'00''E$, a distance of 18.65 feet, more or less; thence, $N00^{\circ}00'00''W$, a distance of 200.26 feet, more or less; thence, $S90^{\circ}00'00''W$, a distance of 20.17 feet, more or less; thence, $N00^{\circ}00'00''W$, a distance of 52.00 feet, more or less; thence, $N90^{\circ}00'00''E$, a distance of 2.17 feet, more or less; thence, $N00^{\circ}00'00''W$, 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 $01^{\circ}25'51''$, an arc length of 14.03 feet, and a chord bearing of $S78^{\circ}05'02''W$ and chord distance of 14.03 feet; thence, $N12^{\circ}37'53''W$, 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 $10^{\circ}54'37''$, an arc length of 121.49 feet, and a chord bearing of $N82^{\circ}49'25''E$ and chord distance of 121.30 feet; thence, $N44^{\circ}21'49''E$, a distance of 14.30 feet, more or less; thence, $N00^{\circ}00'00''W$, a distance of 15.20 feet, more or less; thence, $N90^{\circ}00'00''E$, a distance of 52.00 feet, more or less; thence, $S00^{\circ}00'00''E$, a distance of 15.13 feet, more or less; thence, $S45^{\circ}00'00''E$, a distance of 14.14 feet, more or less; thence, $N90^{\circ}00'00''E$, 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, $S00^{\circ}05'16''E$, 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, $S00^{\circ}05'03''E$, 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, $S00^{\circ}03'43''E$, a distance of 781.29 feet, more or less; thence, $S89^{\circ}47'47''W$, 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, $N22^{\circ}39'36''W$, 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.

217. 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.

219. No. 07SV016 - A request by David Kallemeyn for Irvin W. and Illa M. Cannon for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, street light conduit, water and sewer along Easy Street and to waive the requirement to install sidewalk along Corral Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 24A and 24B of the NE1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 24 of the NE1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3375 Corral Drive.
220. No. 07SV020 - A request by Cody Schad for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2, 3 and 4 of Quartz Canyon Subdivision, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Government Lot 1, and Lot A of Lot 2 of SW/14 NW/14, and Government Lot 2 less Lot A, all of Section 7, T1S, R7E, BHM, and Government Lot 6 of Section 6, T1S, R7E, BHM, Pennington County, South Dakota, located near the Strato Bowl.
221. No. 07SV022 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Alan A. Neiger for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, and to reduce the pavement width from 26 feet to 21 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 Revised and Lot of Block 5 of Highland Park Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 5 (less Lot H1) and the balance of Block 5 of Highland Park Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Highland Park Drive and Mount Rushmore Road.
222. No. 07UR005 - **An appeal of the Planning Commission's decision on** a request by Unique Signs for Dwayne Pankratz for a **Conditional Use Permit to allow an off-premise billboard sign in a General Commercial District** on a portion of the unplatted balance lying between Lancer Drive and Elk Vale Road of the SE1/4, less Lot H1, Less Lots H3 and H4 of the W1/2 SE1/4 and less Lots H3, H4 and H5 of the E1/2 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1751 Elkvale Road.
223. No. 07VE004 - A request by Angle Survey for Brandon Payne for a **Vacation of an Access Easement** on Lots 23 and 24 of Block 1 of Hillview Haven Subdivision, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 23640 and 23642 Busted Five Court.

224. No. 07VR001 - A request by Boschee Engineering for OTS, Inc. for a **Vacation of Section Line Highway** on a parcel of land located in the SW1/4 of Section 22, T1N, R7E, and the NW1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Sheridan Lake Road and Wildwood Drive.
225. 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.
226. No. 07VR003 - A request by Dream Design International, Inc. for a **Vacation of Right-of-Way** on the Lot H-1 located in the S1/2 N1/2 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of I90 and west of East North Street.

Continue the following items until June 18, 2007:

227. No. 07RZ032 – Second Reading, Ordinance No. 5286, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Light Industrial District** on all of the dedicated right-of-way adjacent to the easterly boundary of Tract C of the SE1/4 SE1/4, Lot H of Tract A and Lot N of Tract A of Schlottman Addition, to the centerline of East Saint Andrew Street located in the SE1/4 SE1/4 Section 5; and, all of the dedicated right-of-way adjacent to the westerly boundary of Lot 1 of Lot D and Lot D to the centerline of East Saint Andrew Street, located in the SW1/4 SW1/4, Section 4, all located in T1N, R8E, BHM, Rapid City, South Dakota, located on South Valley Drive south of South Dakota Highway 44.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

The Mayor presented No. 07SV013, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 7 of Block 1, Tracts A, B, C, D, and E of Block 2, Lots 1 through 9 of Block 3, Tracts G and J, of Rushmore Crossing, and Eglin Street (formerly part Farnwood Avenue), Luna Avenue extension, areas dedicated for public right-of-way purposes, easements and vacation of easements and public right-of-ways of Rushmore Crossing in Sections 29, 30 and 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota, legally described as Lots BR of Lots 2 of the SE1/4 SW1/4 of Section 29; Lots C of Lots 2 of the SE1/4 SW1/4 of Section 29; Tract C of the SW1/4 of Section 29; Lots 1 of the SW1/4 SE1/4 Section 29; Lots A of Lots 1 and 2 on the SE1/4 SE1/4 of Section 29; Lots 1R of Lots 1 and 2 of the SE1/4 SW1/4 of Section 29; unplatted portions of the SW1/4 of Section 29; Lots H-1, located in the N1/2 SE1/4 of Section 30; part of Lots 1 and 2, Block 2 of Rapps Addition, located in the SE1/4 of Section 30; part of Lots M, located in the NW1/4 SE1/4 of Section 30; part of Lots K-4 of Marshall Heights Tract, located in the SW1/4 of Section 30; and the unplatted portions of the SE1/4 of Section 30; and Tract C in the NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Interstate 90 and North LaCrosse Street. Johnson moved, second by Hadcock

and carried that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Interstate 90 be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along E. North Street be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along Rapp Street be denied without prejudice; that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Rapp Street be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Rapp Street be denied; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Spruce Street be denied without prejudice; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Sunnyside Avenue and Cambell Street be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and, that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the easement width from 59 feet to 30 feet along the access easements be approved with the following stipulation: 1. Upon submittal of a Final Commercial Development Plan, pedestrian access shall be provided through the site, lighting shall be provided throughout the parking lots and along the access easements as needed, a separation shall be provided between the access easements and the parking areas and utilities shall be extended as needed to serve the proposed lot(s); and to **authorize the Mayor and Finance Officer to sign a waiver of right to protest** any future assessment for the installation of curb, gutter, sidewalk, street light conduit, water and sewer along Interstate 90 (07SV013)

Johnson moved, second by Schumacher and carried to close the public hearing on Items 192-251.

CONSENT PUBLIC HEARING ITEMS – Item 228 - 230

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

ALCOHOL LICENSES

- 228. **Rushmore German Club** for a special Beer License for an event scheduled June 29 – 30, 2007 at 6th Street and Main Street during Festival of Presidents
- 229. **Black Hills Heritage Festival** for a special Beer License for an event scheduled June 29, 30 and July 1, 2007 in Memorial Park
- 230. A J, Inc. dba **Shotgun Willies**, 2808 West Main Street for a Retail (On-Sale) Liquor License Transfer from Shotgun Willies, Inc. dba Shotgun Willies, 2808 West Main Street

NON-CONSENT PUBLIC HEARING ITEMS – Items 231 – 251

The Mayor presented No. 07FV001, a request by Dream Design International to consider an application for a **Fence height exception to allow a six foot high fence in lieu of a four foot high fence** on a parcel of land located in the Southwest One-Quarter of the Southwest One-Quarter (SW1/4SW1/4), the Southeast One-Quarter of the Southwest One-Quarter (SE1/4SW1/4), the Southwest One-Quarter of the Southeast One-Quarter (SW1/4SE1/4) and the Northwest One-Quarter of the Southwest One-Quarter (NW1/4SW1/4) of Section Twenty-nine (29) and the Northeast One-Quarter of the Southeast One-Quarter (NE1/4SE1/4), the Southeast One-Quarter of the Southeast One-Quarter (SE1/4SE1/4) and the Northwest One-Quarter of the Southeast One-Quarter (NW1/4SE1/4) of Section Thirty (30) and the Northeast One-Quarter of the Northwest One-Quarter (NE1/4NW1/4) and the Northwest One-Quarter of the Northeast One-Quarter (NW1/4NE1/4) of Section Thirty-two (32) in Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian, (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Southwest Corner of said Section 29 in T2N, R8E, BHM; Thence S89°53'53"E a distance of 2853.09' to the Point Of Beginning; said point being on the southerly right-of-way line of Century Road; Thence following the said southerly right-of-way line of Century Road N89°47'40"E a distance of 55.88' to the westerly right-of-way line of U.S. Highway 16 (E. North St.); Thence following said westerly right-of-way line of U.S. Highway 16 (E. North St.) S26°02'24" W a distance of 340.04'; Thence departing the said westerly right-of-way line of U.S. Highway 16 (E. North St.) and following the northerly line of a railroad right-of-way with a curve turning to the right with an arc length of 759.14', with a radius of 2954.92', with a chord bearing of N71°01'21"W, with a chord length of 757.05'; Thence N63°54'32"W a distance of 136.37'; Thence N63°07'09"W a distance of 73.30'; Thence N 63°03'41" W a distance of 199.66'; Thence with a curve turning to the left with an arc length of 1728.24', with a radius of 2123.30', with a chord bearing of N86°22'53"W, with a chord length of 1680.93' to the easterly right-of-way line of Cambell Street; Thence leaving said northerly line of a railroad right-of-way and following the said easterly right-of-way line of Cambell Street N00°05'30"E a distance of 53.06'; Thence N00°05'55"W a distance of 145.01' to the northerly right-of-way line of Sunnyside Avenue; Thence following the said northerly right-of-way line of Sunnyside Avenue N89°54'01"W a distance of 450.93'; Thence leaving said northerly right-of-way line of Sunnyside Avenue N00°07'26"E a distance of 92.70'; Thence N29°09'10"E a distance of 475.27'; Thence N60°50'50"W a distance of 127.34'; Thence N89°31'29"W a distance of 331.74'; Thence N00°03'13"E a distance of 182.19'; Thence N60°50'50"W a distance of 467.74'; Thence with a curve turning to the right with an arc length of 48.41', with a radius of 536.00', with a chord bearing of S05°50'50"E, with a chord length of 48.40'; Thence S86°44'26"W a distance of 72.00'; Thence with a curve turning to the left with an arc length of 137.80', with a radius of 464.00', with a chord bearing of N11°46'03"W, with a chord length of 137.30'; Thence N89°45'36"W a distance of 556.68'; Thence N00°01'26"W a distance of 459.98'; Thence S89°52'52"W a distance of 80.00'; Thence N00°00'41"W a distance of 714.10' to the southerly right-of-way line of Interstate -90; Thence following said southerly right-of-way line of Interstate-90 S89°58'06"E a distance of 40.69'; Thence with a curve turning to the right with an arc length of 322.88', with a radius of 2916.32', with a chord bearing of S86°50'50"E, with a chord length of 322.71'; Thence with a curve turning to the right with an arc length of 644.00', with a radius of 2144.34', with a chord bearing of S74°40'24"E, with a chord length of 641.58'; Thence with a curve turning to the right with an arc length of 222.14', with a radius of 2909.18', with a chord bearing of S63°52'56"E, with a chord length of 222.09'; Thence S61°41'41"E a distance of 149.70'; Thence S35°19'03"E a distance of 72.16'; Thence S61°13'29"E a distance of 1141.84'; Thence with a curve turning to the right with an arc length of 126.82', with a radius of 650.00', with a chord bearing of S54°52'9"E, with a chord length of 126.62'; Thence S61°12'12"E a distance of 138.00'; Thence S68°31'49"E a distance of 352.96';

Thence S61°12'05"E a distance of 175.04'; Thence S49°53'16"E a distance of 102.02'; Thence S61°34'04"E a distance of 125.02'; Thence S74°46'01"E a distance of 102.02'; Thence S60°49'53"E a distance of 320.31'; Thence S61°13'00"E a distance of 849.95'; Thence with a curve turning to the right with an arc length of 647.80', with a radius of 604.00', with a chord bearing of S31°24'33"E, with a chord length of 617.20' and intersecting the westerly right-of-way line of U.S. Hwy 16 (E. North St.); Thence with a curve turning to the right with an arc length of 75.75', with a radius of 604', with a chord bearing of S02°54'33"E, with a chord length of 75.70'; Thence S52°14'52"W a distance of 54.15' to the Point of Beginning, more generally described as being located southeast of the intersection of Interstate 90 and North LaCrosse Street. Olson moved, second by Kroeger to approve the fence height exception with the following stipulations: 1. Prior to the start of construction, a portion of Interstate 90 right-of-way shall be vacated to allow the proposed fence or the fence shall be removed from the right-of-way or a SDCL 11-6-19 Review shall be obtained to allow the fence in the right-of-way; 2. The fence shall be constructed as a six foot high black or brown chain link fence without slats; 3. A building permit for the fence shall be obtained prior to construction; and, 4. As a part of a Final Commercial Development Plan, a landscaping plan, with mature landscaping, shall be submitted for review and approval to provide a buffer reducing the headlight glare between the traffic along Eglin Street and Interstate 90. Motion carried with Alderman Chapman abstaining.

The Mayor presented No. 07CA011, a request by enVision Design, Inc. for Plum Creek Development LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Office Commercial with a Planned Commercial Development** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County South Dakota. more particularly described as follows: Commencing at the west one-quarter corner of said SW1/4 of Section 16; Thence S00°02'47"E a distance of 520.56 feet to the true point of beginning; Thence S64°12'46"E a distance of 216.53 feet; Thence S37°01'44"W a distance of 323.28 feet; Thence N00°02'47"W a distance of 352.28 feet to the true point of beginning containing an area of 1 acres more or less, located southeast of the intersection of Elk Vale Road and Willowbend Road. 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 21st day of May, 2007, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Adopted Comprehensive Plan would change the land use designation from General Agriculture to Office Commercial with a Planned Commercial Development, on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County South Dakota. more particularly described as follows: Commencing at the west one-quarter corner of said SW1/4 of Section 16; Thence S00°02'47"E a distance of 520.56 feet to the true point of beginning; Thence S64°12'46"E a distance of 216.53 feet; Thence S37°01'44"W a distance of 323.28 feet; Thence N00°02'47"W a distance of 352.28 feet to the true point of beginning containing an area of 1 acres more or less; 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 City's Adopted Comprehensive Plan be amended to change the land use designation from General Agriculture to Office Commercial with a Planned Commercial Development, on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County South Dakota. more particularly described as follows: Commencing at the west one-quarter corner of said SW1/4 of Section 16; Thence S00°02'47"E a distance of 520.56 feet to the true point of beginning; Thence S64°12'46"E a distance of 216.53 feet; Thence S37°01'44"W a distance of 323.28 feet; Thence N00°02'47"W a distance of 352.28 feet to the true point of beginning containing an area of 1 acres more or less, as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 21st day of May, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

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

The Mayor presented No. 07CA012, a request by enVision Design, Inc. for Plum Creek Development LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: beginning at the southwest corner of said SW1/4 of Section 16, monumented with a "Brass Cap"; Thence N00°02'47"W along the west line of said SW1/4 of Section 16 a distance of 659.14 feet; Thence N43°11'32"E a distance of 908.40 feet to the south line of the N1/2 of said SW1/4; Thence N89°56'28"E along said south line a distance of 764.34 feet; Thence S11°27'13"W a distance of 176.90 feet; Thence S00°00'00"E a distance of 425.77 feet; Thence N90°00'00"E a distance of 82.76 feet; Thence S47°24'00"E a distance of 55.30 feet; Thence S42°36'00"W a distance of 679.73 feet; Thence S36°48'24"E a distance of 230.78 feet to the south line of said SW1/4; Thence S89°58'32"W along said south line a distance of 1152.06 feet to the point of beginning, containing an area of 34 acres more or less, located southeast of the intersection of Elk Vale Road and Willowbend Road. Olson moved, second by Kroeger and carried to deny without prejudice.

The Mayor presented No. 07CA013, a request by enVision Design, Inc. for Plum Creek Development LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development** on a Tract of land located in the SW1/4 of Section 16, T1N, R8E of

the BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the west one-quarter corner of said SW1/4 of Section 16; Thence N89°53'45"E a distance of 963.59 feet; to the true point of beginning; Thence N89°53'45"E a distance of 440.90 feet; Thence S25°29'36"W a distance of 1072.85 feet to a point of curvature; Thence along the arc of a curve to the right having a radius of 204.00 feet, a central angle of 07°38'22" for a distance of 27.20 feet; Thence N60°47'57"W a distance of 304.64 feet; Thence N64°12'46"W a distance of 214.00 feet; Thence N37°01'44"E a distance of 266.29 feet to a point on a curve from which the radius point of said curve bears N52°56'54"W a distance of 3424.04 feet; Thence northeasterly along the arc of a curve to the left having a radius of 3424.04 feet, a central angle of 10°34'59" for a distance of 632.45 feet to the true point of beginning, containing an area of 10 acres more or less, located southeast of the intersection of Elk Vale Road and Willowbend Road. Olson moved, second by Kroeger and carried to deny.

The Mayor presented No. 07CA017, a request by enVision Design, Inc. for Plum Creek Development LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. More particularly described as follows: Commencing at the southwest corner of said SW1/4 of Section 16, monumented with a "brass cap": Thence N00°02'47"W along the west line of said SW1/4 of Section 16 a distance of 1320.78 feet to the south line of the N1/2 of said SW1/4; Thence N89°56'28"E along said south line a distance of 622.29 feet to the true point of beginning; Thence N43°11'32"E a distance of 341.06 feet; Thence S52°58'51"E a distance of 45.24 feet; Thence S73°29'03"E a distance of 86.87 feet; Thence N65°38'53"E a distance of 86.30 feet; Thence N45°00'00"E a distance of 240.00 feet; Thence S45°00'00"E a distance of 127.13 feet to a point on a curve from which the radius of said curve bears S38°06'51"E a distance of 296.00 feet; Thence north easterly along the arc of a curve to the right having a radius of 296.00 feet, a central angle of 18°38'05" for a distance of 96.27 feet; Thence departing said curve S00°06'26"E a distance of 301.76 feet; Thence S11°27'13"W a distance of 233.77 feet; Thence S00°00'00"E a distance of 425.77 feet; Thence N90°00'00"E a distance of 82.76 feet; Thence S47°24'00"E a distance of 55.30 feet; Thence S42°36'00"W a distance of 223.52 feet to the east line of the SW1/4 of the SW1/4 of said Section 16; Thence N00°01'14"W along said east line a distance of 801.05 feet to said south line of the N1/2 of the SW1/4; Thence S89°56'28"W along said south line a distance of 701.09 feet to the true point of beginning, containing an area of five acres more or less, located southeast of the intersection of Elk Vale Road and Willowbend Road. Olson moved, second by Hurlbut and carried to deny without prejudice at the applicant's request.

The Mayor presented No. 07CA018, a request by City of Rapid City for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Light Industrial to General Commercial** on the eastern 33 feet of Section 5 beginning at the SE corner of Section 5 extending 450 feet northerly and, the western 33 feet of Section 4 beginning at the SW corner of Section 4 extending northerly 450 feet, all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along a portion of South Valley Drive south of South Dakota Highway 44. Olson moved, second by Schumacher and carried to deny without prejudice.

The Mayor presented No. 07CA019, a request by City of Rapid City for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to Low Density Residential II** on the east 33 feet of the NE1/4 NE1/4, Section 23, T2N, R7E,

BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Bunker Drive. The following resolution was introduced, read, and Olson moved its adoption.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 21st day of May, 2007, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Adopted Comprehensive Plan would change the land use designation from Park Forest to Low Density Residential II, on the east 33 feet of the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the City's Adopted Comprehensive Plan be amended to change the land use designation from Park Forest to Low Density Residential II, on the east 33 feet of the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 21st day of May, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

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

The Mayor presented No. 07CA020, a request by City of Rapid City for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to Medium Density Residential** on that portion of the east 33 feet of the S1/2 SE1/4 SE1/4, Section 14, T2N, R7E; the south 33 feet of the S1/2 SW1/4 SW1/4 of Section 13, T2N, R7E; and the west 33 feet of the S1/2 SW1/4 SW1/4, Section 13, T2N, R7E; and the east 918.40 feet of the north 33 feet of the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the western terminus of Country Road West. 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 21st day of May, 2007, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Adopted Comprehensive Plan would change the land use designation from Park Forest to Medium Density Residential, on that portion of the east 33 feet of the S1/2 SE1/4 SE1/4, Section 14, T2N, R7E; the south 33 feet of the S1/2 SW1/4 SW1/4 of Section 13, T2N, R7E; and the west 33 feet of the S1/2 SW1/4 SW1/4, Section 13, T2N, R7E; and the east 918.40 feet of the north 33 feet of the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the City's Adopted Comprehensive Plan be amended to change the land use designation from Park Forest to Medium Density Residential, on that portion of the east 33 feet of the S1/2 SE1/4 SE1/4, Section 14, T2N, R7E; the south 33 feet of the S1/2 SW1/4 SW1/4 of Section 13, T2N, R7E; and the west 33 feet of the S1/2 SW1/4 SW1/4, Section 13, T2N, R7E; and the east 918.40 feet of the north 33 feet of the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 21st day of May, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

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

The Mayor presented No. 07SV023, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install street light conduit and sidewalk along both sides of the access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2 and 3 of Forefather Flats Subdivision, located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at the center one-quarter corner of said Section 28, T2N, R8E, BHM, Rapid City, Pennington County,

South Dakota thence S54°36'14"W 858.71' to a point on the southerly right-of-way line of East Mall Drive, said point being the Point of Beginning; Thence following the southerly right-of-way line of East Mall Drive N89°53'22"E a distance of 315.35'; Thence departing said southerly right-of-way line of East Mall Drive S00°00'00"E a distance of 29.38'; Thence with a curve turning to the left with an arc length of 25.01', with a radius of 118.00', with a chord bearing of S06°04'18"E, with a chord length of 24.96', Thence S12°08'36"E a distance of 60.47'; Thence with a curve turning to the right with an arc length of 25.01', with a radius of 118.00', with a chord bearing of S06°04'18"E, with a chord length of 24.96'; Thence S00°00'00"E a distance of 44.47'; Thence S90°00'00"W a distance of 333.35'; Thence N00°00'00"E a distance of 182.00'; to the aforesaid southerly right-of-way line of East Mall Drive to the Point of Beginning, having an area of 59,268 square feet, 1.36 acres, and, a parcel of land located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at the center one-quarter (C1/4) corner of said Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota thence S37°45'00"W 628.29' to a point on the southerly right-of-way line of East Mall Drive, said point being the Point of Beginning; Thence following the said southerly right-of-way line of East Mall Drive N89°53'22"E a distance of 385.03' to a point on the south quarter line of the aforesaid Section 28; Thence departing said southerly right-of-way line of East Mall Drive and following said south quarter line of Section 28 S00°02'40"E a distance of 183.35'; Thence departing the said south quarter line of the Section 28 S90°00'00"W a distance of 367.18'; Thence N00°00'00"E a distance of 44.47'; Thence with a curve turning to the left with an arc length of 25.01', with a radius of 118.00', with a chord bearing of N06°04'18"W, with a chord length of 24.96', Thence N12°08'36"W a distance of 60.47'; Thence with a curve turning to the right with an arc length of 25.01', with a radius of 118.00', with a chord bearing of N06°04'18"W, with a chord length of 24.96', Thence N00°00'00"E a distance of 29.38' to the said southerly right-of-way line of East Mall Drive and the Point of Beginning, having an area of 68,687 square feet, 1.58 acres, and, a parcel of land located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at the center one-quarter (C1/4) corner of said Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota thence S00°02'40"E 679.39' to a point on the south quarter line of aforesaid Section 28, said point being the Point of Beginning; Thence following said south quarter line of Section 28 S00°02'40"E a distance of 741.31' to the northerly right-of-way line of Offutt Street; Thence following said northerly right-of-way line of Offutt Street N89°50'04"W a distance of 580.15'; Thence departing said northerly right-of-way line of Offutt Street N00°00'05"E a distance of 739.63'; Thence N90°00'00"E a distance of 579.55' to the aforesaid south quarter line of Section 28 and the Point of Beginning, having an area of 429,361 square feet, 9.86 acres, located east of Dyess Avenue and north of Interstate 90. Olson moved, second by Kroeger and carried that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit and sidewalk along both sides of the 54 foot wide access and utility easement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation: 1. That a sidewalk be constructed along one side of the 54 foot wide access and utility easement.

The Mayor presented No. 07RZ016, second reading of Ordinance No. 5273, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by enVision Design, Inc. for Plum Creek Development LLC for a **Rezoning from General Commercial District to Office Commercial District** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County South Dakota. more particularly described as follows: Commencing at the west one-quarter corner of said SW1/4 of Section 16; Thence S00°02'47"E a distance of 520.56 feet to the true point of

beginning; Thence S64°12'46"E a distance of 216.53 feet; Thence S37°01'44"W a distance of 323.28 feet; Thence N00°02'47"W a distance of 352.28 feet to the true point of beginning containing an area of 1 acres more or less, located southeast of the intersection of Elk Vale Road and Willowbend Road. Notice of hearing was published in the Rapid City Journal on April 7, 2007 and April 14, 2007. Ordinance No. 5273 having had the first reading on April 2, 2007; Okrepkie moved, second by LaCroix that the title be read the second time. The following voted AYE: 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. 5273 the second time.

The Mayor presented No. 07RZ017, second reading of Ordinance No. 5274, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by enVision Design, Inc. for Plum Creek Development LLC for a **Rezoning from General Agriculture District to General Commercial District** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: beginning at the southwest corner of said SW1/4 of Section 16, monumented with a "Brass Cap"; Thence N00°02'47"W along the west line of said SW1/4 of Section 16 a distance of 659.14 feet; Thence N43°11'32"E a distance of 908.40 feet to the south line of the N1/2 of said SW1/4; Thence N89°56'28"E along said south line a distance of 764.34 feet; Thence S11°27'13"W a distance of 176.90 feet; Thence S00°00'00"E a distance of 425.77 feet; Thence N90°00'00"E a distance of 82.76 feet; Thence S47°24'00"E a distance of 55.30 feet; Thence S42°36'00"W a distance of 679.73 feet; Thence S36°48'24"E a distance of 230.78 feet to the south line of said SW1/4; Thence S89°58'32"W along said south line a distance of 1152.06 feet to the point of beginning, containing an area of 34 acres more or less, located southeast of the intersection of Elk Vale Road and Willowbend Road. Notice of hearing was published in the Rapid City Journal on April 7, 2007 and April 14, 2007. Ordinance No. 5274 having had the first reading on April 2, 2007; Okrepkie moved, second by LaCroix and carried to deny without prejudice at the applicant's request.

The Mayor presented No. 07RZ018, second reading of Ordinance No. 5275, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by enVision Design, Inc. for Plum Creek Development LLC for a **Rezoning from Office Commercial District to General Commercial District** on a Tract of land located in the SW1/4 of Section 16, T1N, R8E of the BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the west one-quarter corner of said SW1/4 of Section 16; Thence N89°53'45"E a distance of 963.59 feet; to the true point of beginning; Thence N89°53'45"E a distance of 440.90 feet; Thence S25°29'36"W a distance of 1072.85 feet to a point of curvature; Thence along the arc of a curve to the right having a radius of 204.00 feet, a central angle of 07°38'22" for a distance of 27.20 feet; Thence N60°47'57"W a distance of 304.64 feet; Thence N64°12'46"W a distance of 214.00 feet; Thence N37°01'44"E a distance of 266.29 feet to a point on a curve from which the radius point of said curve bears N52°56'54"W a distance of 3424.04 feet; Thence northeasterly along the arc of a curve to the left having a radius of 3424.04 feet, a central angle of 10°34'59" for a distance of 632.45 feet to the true point of beginning, containing an area of 10 acres more or less, located southeast of the intersection of Elk Vale Road and Willowbend Road. Notice of hearing was published in the Rapid City Journal on April 7, 2007 and April 14, 2007. Ordinance No. 5275 having had the first reading on April 2, 2007; Okrepkie moved, second by LaCroix and carried to deny.

The Mayor presented No. 07RZ028, second reading of Ordinance No. 5280, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by enVision Design, Inc. for Plum Creek Development LLC for a **Rezoning from Low Density Residential II District to General Commercial District** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; more particularly described as follows: Commencing at the southwest corner of said SW1/4 of Section 16, monumented with a "brass cap": Thence N00°02'47"W along the west line of said SW1/4 of Section 16 a distance of 1320.78 feet to the south line of the N1/2 of said SW1/4; Thence N89°56'28"E along said south line a distance of 622.29 feet to the true point of beginning; Thence N43°11'32"E a distance of 341.06 feet; Thence S52°58'51"E a distance of 45.24 feet; Thence S73°29'03"E a distance of 86.87 feet; Thence N65°38'53"E a distance of 86.30 feet; Thence N45°00'00"E a distance of 240.00 feet; Thence S45°00'00"E a distance of 127.13 feet to a point on a curve from which the radius of said curve bears S38°06'51"E a distance of 296.00 feet; Thence north easterly along the arc of a curve to the right having a radius of 296.00 feet, a central angle of 18°38'05" for a distance of 96.27 feet; Thence departing said curve S00°06'26"E a distance of 301.76 feet; Thence S11°27'13"W a distance of 233.77 feet; Thence S00°00'00"E a distance of 425.77 feet; Thence N90°00'00"E a distance of 82.76 feet; Thence S47°24'00"E a distance of 55.30 feet; Thence S42°36'00"W a distance of 223.52 feet to the east line of the SW1/4 of the SW1/4 of said Section 16; Thence N00°01'14"W along said east line a distance of 801.05 feet to said south line of the N1/2 of the SW1/4; Thence S89°56'28"W along said south line a distance of 701.09 feet to the true point of beginning, containing an area of five acres more or less, located southeast of the intersection of Elk Vale Road and Willowbend Road. Notice of hearing was published in the Rapid City Journal on April 21, 2007 and April 28, 2007. Ordinance No. 5280 having had the first reading on April 16, 2007; Okrepkie moved, second by LaCroix and carried to deny without prejudice at the applicant's request.

The Mayor presented No. 07RZ029, second reading of Ordinance No. 5283, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on a tract of land located in the N1/2 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota more particularly described as follows: Beginning at the C-W1/16 corner of said Section 3; thence along the east/west 1/4 line of said Section 3 S89°57'22"W a distance of 662.08 feet; thence S89°56'40"W a distance of 208.22 feet; thence S00°12'49"E a distance of 662.59 feet; thence N89°58'04"E a distance of 413.48 feet; thence S00°00'00"E a distance of 31.60 feet; thence N89°52'05"E a distance of 689.38 feet; thence S00°01'33"E a distance of 631.94 feet; thence N89°46'49"E a distance of 159.74 feet; thence S89°56'58"E a distance of 240.23 feet; thence S89°55'17"E a distance of 62.97 feet; thence N89°59'12"E a distance of 252.11 feet; thence N00°14'43"W a distance of 186.68 feet; thence N00°16'15"W a distance of 115.1 feet; thence S89°45'52"W a distance of 92.79 feet; thence N05°55'11"W a distance of 47.62 feet; thence N22°54'31"W a distance of 54.50 feet; thence N40°36'51"W a distance of 920.50 feet; thence N19D10'56"W a distance of 55.10 feet; thence N71°12'38"E a distance of 14.49 feet; thence N00°03'34"W a distance of 170.35 feet; thence S89°57'22"W a distance of 226.32 feet To the point of beginning: said tract containing 28.29 acres more or less, located south of Homestead Street between Elk Vale Road and Degeest Drive. Notice of hearing was published in the Rapid City Journal on May 12, 2007 and May 19, 2007. Ordinance No. 5283 having had the first reading on May 7, 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. 5283 the second time.

The Mayor presented No. 07RZ030, second reading of Ordinance No. 5284, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the unplatted portion of the N1/2 of the N1/2 of the NW1/4 of the NE1/4 and the N1/2 of the N1/2 of the NE1/4 of the NW1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of Elk Vale Road and west of the southern terminus of Jolly Lane. Notice of hearing was published in the Rapid City Journal on May 12, 2007 and May 19, 2007. Ordinance No. 5284 having had the first reading on May 7, 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. 5284 the second time.

Ordinance No. 5285 (No. 07RZ031), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to General Commercial District** on the eastern 33 feet of Section 5 beginning at the SE corner of Section 5 extending 450 feet northerly and, the western 33 feet of Section 4 beginning at the SW corner of Section 4 extending northerly 450 feet, all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along a portion of South Valley Drive south of South Dakota Highway 44. Okrepkie moved, second by LaCroix and carried to deny without prejudice.

The Mayor presented No. 07RZ033, second reading of Ordinance No. 5287, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the NE1/4 NW1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota, less from the north 1/4 corner of Section 19, T2N, R8E, BHM, on the 1/4 line S00°14'33"W 33.00 feet to the point of beginning; thence S00°14'33"W 260.00 feet; thence N89°33'54"W 207.54 feet; thence N00°14'33"E 260.00 feet; thence S89°33'54"E 207.54 feet to the point of beginning, all located in the Section 19, T2N, R8E, BHM, Pennington County, South Dakota, located east of West Nike Road and south of Country Road. Notice of hearing was published in the Rapid City Journal on May 12, 2007 and May 19, 2007. Ordinance No. 5287 having had the first reading on May 7, 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. 5287 the second time.

The Mayor presented No. 07RZ034, second reading of Ordinance No. 5288, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by City of Rapid City for a **Rezoning from No Use to Low Density Residential II** on the east 33 feet of the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Bunker Drive. Notice of hearing was published in the Rapid City Journal on May 12, 2007 and May 19, 2007. Ordinance No. 5288 having had the first reading on May 7, 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. 5288 the second time.

The Mayor presented No. 07RZ035, second reading of Ordinance No. 5289, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Medium Density Residential District** on that portion of the east 33 feet of the S1/2 SE1/4 SE1/4, Section 14, T2N, R7E; the south 33 feet of the S1/2 SW1/4 SW1/4 of Section 13, T2N, R7E; and the west 33 feet of the S1/2 SW1/4 SW1/4, Section 13, T2N, R7E; and the east 918.40 feet of the north 33 feet of the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the western terminus of Country Road West. Notice of hearing was published in the Rapid City Journal on May 12, 2007 and May 19, 2007. Ordinance No. 5289 having had the first reading on May 7, 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. 5289 the second time.

The Mayor presented No. 07RZ037, second reading of Ordinance No. 5290, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the south 33 feet of the SW1/4 SE1/4, and the south 33 feet of the W1/2 SE1/4 SE1/4; all located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Seger Drive and North Elk Vale Road. Notice of hearing was published in the Rapid City Journal on May 12, 2007 and May 19, 2007. Ordinance No. 5290 having had the first reading on May 7, 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. 5290 the second time.

Ordinance No. 5291 (No. 07RZ038), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning The Within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the eastern 33 feet of the E1/2 SE1/4 SE1/4, all located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Seger Drive and North Elk Vale Road. Okrepkie moved, second by LaCroix and carried to deny without prejudice.

BILLS

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

Payroll Paid Ending 05-12-07, Paid 05-18-07	779,973.47
Payroll Paid Ending 05-12-07, Paid 05-18-07	3,469.60
Pioneer Bank, Taxes Paid 05-18-07	187,944.50
Pioneer Bank, Taxes Paid 05-18-07	243.21

CITY COUNCIL

MAY 21, 2007

First Administrators, claims paid 05-08-07	70,894.20
First Administrators, claims paid 05-15-07	199,692.86
Black Hills Power & Light, electricity	21,578.34
United States Postmaster, postage	900.00
Computer Bill List	<u>2,813,119.10</u>
Subtotal	\$4,077,815.28
Payroll Paid Ending 05-12-07, Paid 05-18-07	2,719.80
Pioneer Bank, Taxes Paid 05-18-07	192.99
City of Rapid City, postage	1.02
City of Rapid City, computer supplies	71.65
City of Rapid City, health insurance	1,178.00
Conoco Phillips, gasoline	112.21
Standard Life, life insurance	7.00
Angie Weeks, travel expense	<u>69.80</u>
Subtotal	\$4,082,167.75
Heavy Constructors, CO 2F, W00-947	2,500.00
Stanley J. Johnsen Concrete, CO 2F, W06-1545	<u>6,099.60</u>
Total	\$4,090,767.35

EXECUTIVE SESSION

Okrepkie moved, second by Hurlbut to go into Executive Session at 9:30 P.M. for the reasons permitted by SDCL 1-24-2 (1) (3) and (4). Motion carried. The Council came out of Executive Session at 10:45 P.M. with all members present. No action was taken.

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 10:45 P.M.

CITY OF RAPID CITY

ATTEST:

Finance Office

(SEAL)

Mayor