

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

November 19, 2007

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, November 19, 2007 at 7:00 P.M.

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

Staff members present included Finance Officer Jim Preston, City Attorney Jason Green, Growth Management Director Marcia Elkins, Public Works Director Dirk Jablonski, Fire Chief Gary Shepherd, Police Captain Doug Thrash, and Administrative Coordinator Jackie Gerry.

ADOPTION OF AGENDA

The following items were added to the agenda:

- National League of Cities - Congress of Cities & Exposition Conference in New Orleans, LA
- City Platform for Strengthening Families and Improving Outcomes for Children and Youth, Alderman LaCroix
- Skyline Drive Scenic By-Way Designation, Alderman Kooiker

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

APPROVE MINUTES

Okrepkie moved, second by Chapman and carried to approve the minutes for November 5, 2007 and correct the minutes of September 4, 2007 to reflect the correct project number for Memorial Park and Farlow Avenue Water Main Reconstruction Project No. W07-1631 (PW082807-06).

AWARDS AND RECOGNITIONS

Mayor Hanks presented the Veteran for the Months of November, 2007 to Ronald E. Seibert, and recognized his efforts and dedication to the service of his country and community.

NON-PUBLIC HEARING ITEMS -- Items 3 - 172

Okrepkie moved, second by Chapman and carried to open public comment on items 3 – 151. Gabe Olson, Big Sky Homeowners Association addressed item #151 (07VE038) questioning the vacation of an easement. Okrepkie moved, second Hadcock and carried to close public comment on items 3 – 151.

CONSENT ITEMS – Items 3 - 151

The following items were removed from the Consent Items:

79. LaCroix Investments, Inc. DBA Bus's Bottle Shop, 615 E. North Street for a Package (Off-Sale) Liquor License

150. No. 07VE029 - A request by Sperlich Consulting, Inc. for Dean Kelly Construction for a Vacation of Access Easement on Lot 8R of Flannery Subdivision No. 2, located in the NW1/4 of the NE1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4944 Ireland Place.

151. No. 07VE038 - A request by Dream Design International, Inc. for a Vacation of Non-Access Easement on Tract J of Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Degeest Street between Berniece Street and Homestead Street.

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

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

3. No. 07VR012 - A request by Centerline, Inc. for PLM Land Development, LLC for a **Vacation of Section Line Right-of-Way** on the unplatted balance of the SE1/4 SW1/4, Section 13, T1N, R7E, and the NE1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Enchantment Road and North of Enchanted Pines Drive.

Alcoholic Beverage License Applications Set for Hearing (December 3, 2007)

Retail (On-Sale) Liquor License Renewal for 2008

4. City of Rapid City DBA Airport Restaurant & Lounge, 4550 Terminal Rd Ste 206 for a Retail (On-Sale) Liquor License and Sunday Opening
5. Hotel Management Company, Inc. DBA Alex Johnson Hotel, 523 Sixth Street for a Retail (On-Sale) Liquor License and Sunday Opening
6. American Legion Home Association DBA American Legion, 818 E. St. Patrick for a Retail (On-Sale) Liquor License and Sunday Opening
7. Porter Apple Company, Inc. DBA Applebee's Neighborhood Grill & Bar, 2160 Haines Avenue for a Retail (On-Sale) Liquor License and Sunday Opening
8. Arrowhead Country Club DBA Arrowhead Country Club, 3675 Sheridan Lake Road for a Retail (On-Sale) Liquor License and Sunday Opening
9. Blue Lantern Lounge, Inc. DBA Blue Lantern Lounge, 1200 E. St. Patrick Street for a Retail (On-Sale) Liquor License and Sunday Opening
10. RC Boston Company, LLC DBA Boston's Restaurant & Sports Bar, 620 E. Disk Drive for a Retail (On-Sale) Liquor License and Sunday Opening
11. Karen J. Schumacher DBA Brass Rail, 624 St. Joe Street for a Retail (On-Sale) Liquor License and Sunday Opening
12. Harbry Enterprises, Inc. DBA Buck 'N Gator Lounge, 4095 Sturgis Road for a Retail (On-Sale) Liquor License and Sunday Opening
13. Derby Advertising, Inc. DBA Canyon Lake Chophouse, 2720 Chapel Lane for a Retail (On-Sale) Liquor License and Sunday Opening

14. Century Motels, Inc. DBA Howard Johnson, 950 North Street for a Retail (On-Sale) Liquor License (NO SUNDAY SALE)
15. The Retired Enlisted Association DBA Chapter #29, 1981 Centre Street for a Retail (On-Sale) Liquor License and Sunday Opening
16. Retsel Corporation DBA Cheers/Ramada Inn, 1721 LaCrosse Street for a Retail (On-Sale) Liquor License and Sunday Opening
17. Brinker Restaurant Corporation DBA Chili's Grill & Bar, 2125 N. Haines Avenue for a Retail (On-Sale) Liquor License and Sunday Opening
18. M G Oil Company DBA Clock Tower Lounge, 2525 West Main Street for a Retail (On-Sale) Liquor License and Sunday Opening
19. Colonial House, Inc. DBA Colonial House, 2501 Mt. Rushmore Road for a Retail (On-Sale) Liquor License and Sunday Opening
20. Martom Management, Inc. DBA Days Inn Lounge, 725 Jackson Boulevard for a Retail (On-Sale) Liquor License and Sunday Opening
21. Dealer Exchange, Inc. DBA Diamond Dave's, Rushmore Mall, 2200 N. Maple for a Retail (On-Sale) Liquor License and Sunday Opening
22. Rapid City Elks Club DBA Elks Lodge #1187, 3333 E. 39th Street for a Retail (On-Sale) Liquor License and Sunday Opening
23. Michael O. Wieseler DBA Horseshoe Bar, 1407 ½ E. North Street for a Retail (On-Sale) Liquor License and Sunday Opening
24. Kurylas, Inc. DBA Imperial Inn, 100 St. Joseph Street for a Retail (On-Sale) Liquor License and Sunday Opening
25. Fresch, Inc. DBA Joe's Place, 4302 S. Highway 79 for a Retail (On-Sale) Liquor License and Sunday Opening
26. Kelly's Sports Lounge II, Inc. DBA Kelly's Sports Lounge, 318 – 320 East Boulevard for a Retail (On-Sale) Liquor License and Sunday Opening
27. Kelly's Sports Lounge, Inc. DBA Kelly's Sports Lounge, 825 Jackson Boulevard for a Retail (On-Sale) Liquor License and Sunday Opening
28. Hungry's Restaurants, Inc. DBA Marlin's Roadhouse Grill, 2803 Deadwood Avenue for a Retail (On-Sale) Liquor License and Sunday Opening
29. Meadowood Lounge, Inc. DBA Meadowood Lounge, 3809 Sturgis Road for a Retail (On-Sale) Liquor License and Sunday Opening
30. WR Rapid City Ventures, LP DBA Minerva's Restaurant & Bar, 2211 N. LaCrosse Street for a Retail (On-Sale) Liquor License and Sunday Opening
31. Loyal Order of Moose DBA Moose, 841 St. Patrick Street for a Retail (On-Sale) Liquor License and Sunday Opening
32. George Motor & Supply Company DBA Murphy's Bar, 510 Ninth Street for a Retail (On-Sale) Liquor License and Sunday Opening
33. Oasis Lounge, Inc. DBA Oasis Lounge, 711 Main Street for a Retail (On-Sale) Liquor License (NO SUNDAY SALE)
34. GMRI, Inc. DBA Olive Garden Italian Restaurant, 160 Disk Drive for a Retail (On-Sale) Liquor License and Sunday Opening
35. Outback Midwest II, LP DBA Outback Steakhouse, 665 E. Disk Drive for a Retail (On-Sale) Liquor License and Sunday Opening
36. Beshara Enterprises, Inc. DBA Pirate's Table, 3550 Sturgis Road for a Retail (On-Sale) Liquor License and Sunday Opening
37. Viper, LLC DBA Quality Inn, 1902 LaCrosse Street for a Retail (On-Sale) Liquor License and Sunday Opening

38. Shiba Investments, Inc. DBA Radisson, 445 Mt. Rushmore Road for a Retail (On-Sale) Liquor License and Sunday Opening
39. Fraternal Order of Eagles DBA Rapid City Aerie #3555, 410 Centre Street for a Retail (On-Sale) Liquor License and Sunday Opening
40. GMRI, Inc. DBA Red Lobster Restaurant, 120 Disk Drive for a Retail (On-Sale) Liquor License and Sunday Opening
41. Red Rock Golf Club, LLC DBA Red Rock Golf Club, 6520 Birkdale Drive for a Retail (On-Sale) Liquor License and Sunday Opening
42. Entertainment, Inc. DBA Robbinsdale Lounge, 803 E. St. Patrick Street for a Retail (On-Sale) Liquor License and Sunday Opening
43. Fox Family Enterprises, Inc. DBA Rodeway Inn, 2208 Mt. Rushmore Road for a Retail (On-Sale) Liquor License and Sunday Opening
44. Rushmore Cuisine, Inc. DBA Ruby Tuesday, 2709 Mt. Rushmore Road for a Retail (On-Sale) Liquor License and Sunday Opening
45. Steven C. Lester LLC DBA Rushmore Plaza Holiday Inn, 505 N. Fifth Street for a Retail (On-Sale) Liquor License and Sunday Opening
46. Sanford's Grub & Pub SD, Inc. DBA Sanford's Grub & Pub, 306 Seventh Street for a Retail (On-Sale) Liquor License and Sunday Opening
47. Shooters, Inc. DBA Shooters, 2424 West Main Street for a Retail (On-Sale) Liquor License and Sunday Opening
48. A. J., Inc. DBA Shotgun Willie's, 2808 West Main for a Retail (On-Sale) Liquor License and Sunday Opening
49. Sioux Restaurants, LLC DBA TGI Fridays, 2205 N. LaCrosse Street for a Retail (On-Sale) Liquor License and Sunday Opening
50. Porter Apple Company, Inc. DBA Applebee's Neighborhood Grill & Bar, 2160 Haines Avenue for a Retail (On-Sale) Liquor License (IN-ACTIVE)
51. LaCroix Investments, Inc. DBA Time Out Lounge, 615 E. North Street for a Retail (On-Sale) Liquor License and Sunday Opening
52. Western Dakota Gaming, Inc. DBA Valley Sports Bar, 1865 S. Valley Drive for a Retail (On-Sale) Liquor License and Sunday Opening
53. Dublin Square, Inc. DBA Dublin Square, 504 Mt. Rushmore Road for a Retail (On-Sale) Liquor License and Sunday Opening
54. Cowboy Casino, Inc. DBA Woody's, 826 Main Street for a Retail (On-Sale) Liquor License and Sunday Opening

Retail (On-Sale) Wine License Renewal for 2008

55. Faryat, Inc. DBA Botticelli Ristorante, 523 Main Street for a Retail (On-Sale) Wine License
56. Robert W. Johnson DBA Canyon Lake Pub & Casino, 4116 Jackson Boulevard for a Retail (On-Sale) Wine License
57. Mae Jean Adams DBA The Corn Exchange, 727 Main Street for a Retail (On-Sale) Wine License
58. S&Y, Inc. DBA The Golden Phoenix, 2421 West Main Street for a Retail (On-Sale) Wine License
59. Yeung, Inc. DBA Great Wall Chinese Restaurant, 315 E. North Street for a Retail (On-Sale) Wine License
60. Century Motels, Inc. DBA Howard Johnson Express Inn & Suites, 950 North Street for a Retail (On-Sale) Wine License

61. Northstar, Inc. DBA Hunan Chinese Restaurant, 1720 Mt. Rushmore Road for a Retail (On-Sale) Wine License
62. Rhonda Berger DBA Ichiban, 1109 Omaha St., Ste. A for a Retail (On-Sale) Wine License
63. Yeung, Inc. DBA Imperial Chinese Restaurant, 702 E. North Street for a Retail (On-Sale) Wine License
64. Museum Alliance of Rapid City, Inc. DBA The Journey Museum, 222 New York Street for a Retail (On-Sale) Wine License
65. Khoury's Mediterranean Cuisine, Inc. DBA Khoury's Mediterranean Cuisine, 2520 West Main Street for a Retail (On-Sale) Wine License
66. Los Espinos LLC DBA LaCosta Mexican Restaurant, 603 Omaha Street for a Retail (On-Sale) Wine License
67. Barbecsul, Inc. DBA Sandtrap Grill & Bar, 3625 Jackson Boulevard for a Retail (On-Sale) Wine License
68. WR Rapid City Ventures, LP DBA Oakleaf Beer Garden, 2213 LaCrosse Street for a Retail (On-Sale) Wine License
69. Piece of Cake, LLC DBA Piece of Cake, 901 Mt. Rushmore Road for a Retail (On-Sale) Wine License
70. Piesano's Pacchia, Inc. DBA Piesano's Pacchia, 3618 Canyon Lake Dr. #33 for a Retail (On-Sale) Wine License
71. Mai T. Goodsell DBA Saigon Restaurant, 221 E. North Street for a Retail (On-Sale) Wine License
72. Wine Cellar Restaurant, LLC DBA Wine Cellar Restaurant, 513 Sixth Street for a Retail (On-Sale) Wine License
73. Frank Morrison DBA Thirsty's, 819 Main Street for a Retail (On-Sale) Wine License

Package (Off-Sale) Liquor License Renewal for 2008

74. Albertsons, Inc. DBA Albertsons Food Center #845, 855 Omaha Street for a Package (Off-Sale) Liquor License
75. Nauman Flying Service, Inc. DBA Autumn Hills Plaza Liquor, 5312 Sheridan Lake Rd., #103 for a Package (Off-Sale) Liquor License
76. B & L, Inc. DBA Boyd's Liquor Mart, 909 E. St. Patrick Street for a Package (Off-Sale) Liquor License
77. Mills Drug, Inc. DBA Boyd's Liquor Mart, 1424 Mt. Rushmore Road for a Package (Off-Sale) Liquor License
78. B & L, Inc. DBA Boyd's Liquor Mart, 2001 W. Main Street, No. 202 for a Package (Off-Sale) Liquor License
80. Derby Advertising, Inc. DBA Canyon Lake Chop House, 2720 Chapel Lane for a Package (Off-Sale) Liquor License
81. Canyon Lake Liquors, Ltd. DBA Canyon Lake Liquors, 4244 Canyon Lake Drive for a Package (Off-Sale) Liquor License
82. Sully Enterprises, LLC DBA Common Cents, 2808 Sheridan Lake Road for a Package (Off-Sale) Liquor License
83. Sully Enterprises, LLC DBA Common Cents, 634 E. North Street for a Package (Off-Sale) Liquor License
84. Kraft Farms, Inc. DBA Corner Pantry-LaCrosse St., 2130 LaCrosse Street for a Package (Off-Sale) Liquor License
85. Nash Finch Company DBA Family Thrift Center #265, 751 Mountain View Road for a Package (Off-Sale) Liquor License

86. Rapid City Liquor, Inc. DBA Family Thrift Liquors #273, 1516 E. St. Patrick Street for a Package (Off-Sale) Liquor License
87. Rapid City Liquor, Inc. DBA FTC Express #657, 3460 Sturgis Road for a Package (Off-Sale) Liquor License
88. Yellow Robe Enterprises, LLC DBA Dacotah Liquors, 418 Knollwood Drive for a Package (Off-Sale) Liquor License
89. M & B Investments, Inc. DBA Hideaway Casino, 1575 N. LaCrosse Street, Ste. D for a Package (Off-Sale) Liquor License
90. Hotel Management Co., Inc. DBA Hotel Alex Johnson, 523 Sixth Street for a Package (Off-Sale) Liquor License
91. Wal-East Development, Inc. DBA Jackpot Casino Too, 1415 N. LaCrosse, Ste. 3 for a Package (Off-Sale) Liquor License
92. Piece of Cake, LLC DBA Piece of Cake, 901 Mt. Rushmore Road for a Package (Off-Sale) Liquor License
93. Rapid City Liquor, Inc. DBA Prairie Bottle Market #46, 13 New York Street for a Package (Off-Sale) Liquor License
94. Retsel Corp. DBA Ramada Inn Package Store, 1721 N. LaCrosse Street for a Package (Off-Sale) Liquor License
95. Safeway Stores 46, Inc. DBA Safeway Store #1554, 730 Mt. View Road for a Package (Off-Sale) Liquor License
96. Safeway Stores 46, Inc. DBA Safeway Store #581, 2120 Mt. Rushmore Road for a Package (Off-Sale) Liquor License
97. Sam's West, Inc. DBA Sam's Club #6565, 1020 LaCrosse Street for a Package (Off-Sale) Liquor License
98. Timothy E. Smith & Steve Smith DBA Smith's Liquor Gallery, 2218 Jackson Blvd., Ste. 1 for a Package (Off-Sale) Liquor License
99. Sooper Dooper Markets, Inc. DBA Sooper Dooper #1, 913 E. St. Patrick for a Package (Off-Sale) Liquor License
100. Carol Enterprises, Inc. DBA Valley Liquor, 747 Timmons Blvd. for a Package (Off-Sale) Liquor License
101. Lily Corp DBA Flowers by LeRoy, 2016 West Main Street for a Package (Off-Sale) Liquor License
102. Faryat, Inc. DBA Botticelli Ristorante, 523 Main Street for a Package (Off-Sale) Liquor License
103. Steven C. Lester DBA Rushmore Plaza Holiday Inn, 505 N. 5th Street for a Package (Off-Sale) Liquor License

Transfer

104. M G Oil DBA Corner Pantry – LaCrosse Street, 2130 LaCrosse Street for a Package (Off-Sale) Liquor License TRANSFER from Kraft Farms, Inc. DBA Corner Pantry-LaCrosse St., 2130 LaCrosse Street
105. CHAS, Inc. DBA Jackpot West II, 2144 Jackson Boulevard, Ste. 4 for a Retail (On-Off Sale) Malt Beverage License with Video Lottery TRANSFER from ZBT, Inc. DBA Joker's Casino North, 608 1/2 East North Street

Public Works Committee Consent Items

106. No. PW111307-01 – Approve Change Order No. 2F for Haines Avenue PCC Panel Repair Project No. STCM07-1626 / CIP No. 50445 to Stanley J. Johnsen Concrete Contractor, Inc. for an increase of \$2,767.50

107. No. PW111307-02 – Approve Change Order #1F for 2007 Neighborhood Street Rehabilitation Project No. ST07-1652 / CIP No. 50636 to J & J Asphalt Company for a decrease of \$13,653.80
108. No. PW111307-03 – Approve Change Order No. 1F for City Library Sidewalk Repair 2007 Project No. ST07-1666 / CIP No. 50689 to R.C.S. Construction, Inc. for an increase of \$87.43
109. No. PW111307-04 – Approve Change Order No. 3F for Wonderland Drive Street and Drainage Improvements Project No. ST06-1610 / CIP No. 50155 to Simon Contractors of SD, Inc. for a decrease of \$42,394.96
110. No. PW111307-05 – Approve Change Order No. 2F for Evergreen Drive Water Main Reconstruction Project No. W07-1645 / CIP No. 50678 to Mainline Contracting, Inc. for an increase of \$4,570.90
111. No. PW111307-06 – Authorize staff to advertise for bids for East Mall Drive Connection; North LaCrosse Street to East North Street Project No. ST06-1334b / CIP #50521
112. No. PW111307-07 – Authorize staff to advertise for bids for Four (4) paratransit vehicles
113. No. PW111307-10 – Authorize the Mayor and Finance Officer to sign an agreement Between the City of Rapid City, Selador Ranches, Inc. and Heavy Constructors, Inc. for resolution of slash pile chipping as a project component for the Red Rock Reservoir project
114. No. PW111307-11 – Approve a Resolution Fixing Time and Place for Hearing on the Assessment Roll for Hall Street Sanitary Sewer Extension Project No. SS06-1482 for December 17, 2007

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON
ASSESSMENT ROLL FOR
HALL STREET SANITARY SEWER EXTENSION
PROJECT NO. SS06-1482

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

1. The assessment roll for Hall Street Sanitary Sewer Extension Project No. SS06-1482 was submitted to the Finance Office on the 19th day of November, 2007. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, December 17, 2007 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time and place of hearing thereon, that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 19th day of November, 2007.

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

ATTEST:
s/ James F. Preston
Finance Officer

(SEAL)

- 115. No. PW111307-12 – Authorize staff to seek proposals for design of Leachate Removal at the Rapid City Landfill
- 116. No. PW111307-13 – Authorize the purchase of One (1) 1/2 ton 4x4 regular cab, long box, pickup from McKie Ford for an amount of \$17,585.00; matching State Bid Contract #15269, Item #40 for Solid Waste Division
- 117. No. PW111307-14 – Authorize the purchase of One (1) current year 1/2 ton 4x4 pickup for an amount of \$18,690 and one (1) 1/2 ton 2x4 pickup for an amount of \$13,538.00 from McKie Ford to match State Bid Contract #15269, Item #40 for Water Division
- 118. No. PW103007-23 - Confirm the City’s current Sewer Backup Claim Policy
- 119. No. PW111307-17 – Approve a request from Walgar Development Corporation for authorization to prepare an H-Lot located in the S1/2 NW1/4 SE1/4 of Section 13, (formerly a portion of the SW1/4 NW1/4 SE1/4 of Section 13 and a portion of the SE1/4 NW1/4 SE1/4 of Section 13) all located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota on behalf of the City of Rapid City and authorize acceptance of deeds
- 120. No. PW111307-18 – Approve a request from Lazy P-6 Land Company, Inc. for authorization to prepare an H-Lot located in the NW1/4 NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota on behalf of the City of Rapid City and authorize acceptance of deeds
- 121. No. 07RD005 - Approve a request by Jared Tordsen for Land and Marine Development, Inc. to consider an application for a **Resolution for a Road Name Change** from Abbey Road to Lennon Lane on Lots 1 thru 7, 22, 31 and 32, Rockinon Ranch Estates, located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Bunker Drive along Abbey Road, with the stipulation that the applicant pay for the materials and installation of new street signs

RESOLUTION RENAMING
ABBAY ROAD AVENUE TO LENNON LANE

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

Dated this 19th day of November, 2007.

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

ATTEST:
s/ James F. Preston
Finance Officer

(SEAL)

- 122. No. 07VE036 - Approve a request by Sperlich Consulting, Inc. for Aaron Klapkin to consider an application for a **Vacation of a portion of a Major Drainage Easement** on Lot A of Lot 27 of Block 1 of Elks Country Estates, located in the E1/2, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3911 Jolly Lane

RESOLUTION OF VACATION
OF A PORTION OF A MAJOR DRAINAGE EASEMENT

WHEREAS it appears that a portion of a major drainage easement on Lot A of Lot 27 of Block 1 of Elks Country Estates, located in the E1/2, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3911 Jolly Lane, is no longer needed for public purposes; and

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

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

Dated this 19th day of November, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 123. No. PW111307-15 – Authorize staff to advertise for bids for PR07-1680 Roosevelt Park Improvements Project, Phase 3
- 124. No. PW111307-16 – Authorize the purchase of One (1) 2008 Dodge Durango off State Contract #15272 Item #14 from Wegner Auto for an amount of \$25,535.00 including delivery for the Parks & Recreation Department

Legal & Finance Committee Consent Items

- 125. Approve the request from Sue McCormick for Placement of City Owned Bleachers and Cost of Insurance for the Festival of Lights Parade in the approximate amount of \$1600 to be at the City’s expense with said funds coming out of the Council Contingency
- 126. No. LF111307-01 – Confirm the appointment of Stephanie Big Crow to the Rapid City Library Board
- 127. No. LF111307-02 – Confirm the appointment of Dwight Petersen to the Annexation Subcommittee
- 128. No. LF111307-04 – Approve Event Permit for Rapid City Downtown Association Festival of Presidents Weekend June 28, 2008

- 129. No. LF111307-05 – Approve purchase of a 2008 Chevrolet Suburban from Rapid Chevrolet under State Contract No. 15270 in the amount of \$32,348
- 130. No. LF111307-06 – Approve purchase of a 2008 Chevrolet Impala from Beck Motors, Pierre, SD, under State Contract No. 15274 in the amount of \$15,614
- 131. No. LF111307-07 – Approve Travel Request for Keith L’Esperance to attend 2008 National Public Risk Management Association Annual Conference in Anaheim, CA, June 1-4, 2008, in the approximate amount of \$2,095
- 132. No. LF111307-08 – Approve Resolution Writing Off Uncollectible Accounts Receivable Accounts

RESOLUTION WRITING OFF UNCOLLECTIBLE
ACCOUNTS RECEIVABLE ACCOUNTS

WHEREAS the City Finance Office has determined that certain accounts receivable accounts, shown on Appendix A, and totaling \$3,700.60 are uncollectible, and

WHEREAS it is necessary to relieve the accounts receivable of the City of Rapid City for these accounts

NOW, THEREFORE, BE IT RESOLVED that the City Finance Officer be directed to remove such accounts of the City, said accounts being detailed in the official files of the Finance Office.

Dated this 19th day of November, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 133. No. LF111307-09 Approve Resolution to Establish Additional Staffing for the Street Division of the Public Works Department

RESOLUTION TO ESTABLISH ADDITIONAL STAFFING
FOR THE STREET DIVISION OF THE PUBLIC WORKS DEPARTMENT

WHEREAS, the Rapid City Police Department currently contracts with Pennington County to provide maintenance services for the Police Department vehicles; and

WHEREAS, the Rapid City Public Works Department Street Division provides maintenance for the majority of the City’s vehicles; and

WHEREAS, it appears that the Rapid City Public Works Department Street Division could more efficiently provide maintenance for the Rapid City Police Department vehicles; and

WHEREAS, it is necessary to authorize an additional full-time and one half-time benefited FTE for fiscal year 2008 to accomplish the work that will need to be done as a result of the Street Division performing maintenance on Police Department vehicles.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that one fulltime and one half-time benefited equivalent is authorized for fiscal year 2008 for the purpose of providing mechanical services in the Street Division.

Dated this 19th day of November, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 134. No. LF111307-10 – Approve Travel Request for Cathy Druckrey to attend NPELRA Conference in Clear Water Beach, Florida, April 12-18, 2008, in the approximate amount of \$2,175
- 135. No. LF111307-11 – Approve Memorandum of Understanding with AFSCME Relating to Solid Waste/MRF Division Second Personal Holiday
- 136. No. LF111307-12 – Approve Resolution to Amend the Salary Schedule for the Non-Union Position of Recreation Specialist

RESOLUTION TO AMEND THE SALARY SCHEDULE FOR
THE NON-UNION POSITION
OF RECREATION PROGRAM SPECIALIST

WHEREAS, a job evaluation has been conducted utilizing the Factor Evaluation System methodology to establish the position within the city’s compensation plan; and,

WHEREAS, the evaluation established that the duties and responsibilities of the position of Recreation Program Specialist justify placing the classification within Grade 17 of the Non-Union pay scale;

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

Job Title	Grade	Salary
From: Recreation Program Specialist	14	\$33,093 to \$50,378/yr.
To: Recreation Program Specialist	17	\$38,397 to \$58,406/yr.

Dated this 19th day of November, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 137. No. LF111307-13 – Approve Resolution to Amend the Salary Schedule for the Non-Union Position of Recreation Division Manager

RESOLUTION TO AMEND THE SALARY SCHEDULE FOR
THE NON-UNION POSITION
OF RECREATION DIVISION MANAGER

WHEREAS, a job evaluation has been conducted utilizing the Factor Evaluation System methodology to establish the position within the city’s compensation plan; and,

WHEREAS, the evaluation established that the duties and responsibilities of the position of Recreation Division Manager justify placing the classification within Grade 22 of the Non-Union pay scale;

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

Job Title	Grade	Salary
From: Recreation Division Manager	21	\$46,779 to \$71,178/yr.
To: Recreation Division Manager	22	\$51,626 to \$78,562/yr.

Dated this 19th day of November, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 138. No. LF111307-14 – Authorize Mayor and Finance Officer to sign Maintenance Agreement with Best Business Products for the copy machine in the Code Enforcement Office
- 139. No. LF111307-15 – Approve Subsidy Committee recommendations for FY 2008 Annual Action Plan CDBG Grant Allocations
- 140. No. LF111307-16 – Approve Subsidy Committee recommendation to amend FY 2007 Annual Action Plan to reallocate Micro-Enterprise Funds

141. No. LF111307-22 – Approve Travel Request for Assessment Center (if necessary) in the approximate amount of \$3,350
142. No. LF111307-17 – Approve Travel Request for James Walraven and Matt Brandhagen to attend the Golf Course Superintendents Association Education Conference & Show in Orlando, FL from January 28, 2008 through February 2, 2008, in the approximate amount of \$2,979.76
143. No. LF111307-18 – Authorize the Rapid City Department of Parks and Recreation to apply for a Qwest Foundation Grant in the amount of \$50,000 to be used for design and construction of a playground in Vickie Powers Park
144. No. LF111307-19 – Acknowledge report on 2007 Ice Arena summer program
145. No. LF111307-25 - Acknowledge report on Game, Fish & Parks Deer Survey and to authorize 300 deer license applications
146. Approve the following licenses: Metals and Gems: Midwest Jewelry, Doug R Beam; Silver Mountain Coins, Jack Meyer; Pawn Shop: First National Pawn, Inc (115 E North Street), Barbara D Forbes; First National Pawn, Inc (935 E North Street), Barbara D Forbes; Pawn With Us, Robert M Tschetter; Second Hand: Ernie November's Inc, Steven Merry; Haggerty's Inc, Thomas J Haggerty; Security Business: Ace Security, Inc, Jack A Werner; DECO Security Services, Inc, Keith L. Emerson; Residential Contractor: Kaileen Kawanesicayuga, Green Homes; Stephanie & Curtis Strong, Baseco Strong Water Solutions Inc.; Jason Boyd, Echo Builders; House Mover: Geoff Hooper, Dakota Hills Housemoving; Mechanical Apprentice: Kyle Andrzejczak; Mechanical Contractor: Scott Latuseck, Central-Air Inc.; Mechanical Installer: Jeremy Bollinger and Tylor Bedford; Electrical Journeyman: Mike Peterson, Scott Johnson, Tony Beshara, Jay Bauer, George Freeman, and John Smith; Mobile Home Court: Red Willow Mobile Home Court, Rand & Gayla Williams; Sewer and Water Journeyman: Jason Schuelke

Growth Management Department Consent Items

147. No. 07PL132 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 8, 9, 17, 22 and 23 of Marlin Industrial Park, located in the unplatted portion of the NW1/4 NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the NW1/4 NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northeast, southeast and southwest of the intersection of Creek Drive and Marlin Drive. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, plans for Elk Vale Road must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In addition, a non-access easement shall be identified along Elk Vale Road, as no access will be allowed onto Elk Vale Road; 2. Prior to Preliminary Plat approval by the City Council, revised construction plans shall be submitted including the temporary turn-around and the easement document for the temporary turn-around shall be recorded at the Register of Deeds office. In addition, non-access easements shall be identified along Creek Drive with the exception of a shared approach for proposed Lots 22 and 23 of Marlin Industrial Park; 3. Prior to City Council approval of a Preliminary Plat, revised construction plans shall be submitted including the temporary turn-around and the easement document for the temporary turn-around shall be recorded at the Register of Deeds office; 4. Prior to Preliminary Plat approval by the City Council, a revised cost estimate of the subdivision improvements shall be submitted for review and approval; 5. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the plans as identified on the red lined drawings. In addition, the red lined

drawings shall be returned to the Growth Management Department; 6. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval.)

148. No. 07PL133 - A request by Fisk Land Surveying and Consulting Engineers, Inc. for the City of Rapid City for a **Preliminary Plat** on Lot 1 of Wally Byam Addition and Dedicated Right-of-way, located in the S1/2 SW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the S1/2 SW1/4 NE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the south one-quarter corner of said Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence, northerly along the center one-quarter line of said Section 9, N00°06'45"E, a distance of 3312.73 feet more or less to the south 1/64th line of the NE1/4 of said Section 9; thence, easterly along the north line of the S1/2 SW1/4 NE1/4, Section 9, S89°58'14"E, a distance of 279.27 feet more or less to the point of beginning; thence, continuing easterly along the north line of the S1/2 SW1/4 NE1/4, Section 9, S89°58'14"E, a distance of 670.67 feet more or less, to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly line of said railroad right-of-way, S51°15'21"E, a distance of 38.60 feet more or less; thence, S38°45'09"W, a distance of 17.16 feet more or less; thence, curving to the right on a normal curve with a radius of 227.45 feet, a delta of 29°07'46", and an arc length of 115.64 feet more or less; thence, S67°52'55"W, a distance of 126.32 feet, more or less; thence, curving to the left on a normal curve with a radius of 170.00 feet, a delta of 42°06'45", and an arc length of 124.95 feet more or less; thence, S25°46'10"W, a distance of 32.55 feet more or less; thence, N64°13'50"W, a distance of 60.00 feet more or less; thence, N53°24'13"W, a distance of 403.56 feet more or less to the point of beginning, located along S. D. Highway 44 West and Lytle Lane. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to City Council approval of the Preliminary Plat, a revised Master Plan shall be submitted for review and approval showing access to Lot 2 of Tract 2. In addition, the Master Plan shall show the areas of periodic inundation and the 100 year federally designated floodplain boundaries; 2. Prior to City Council approval of the Preliminary Plat, road construction plans for Lytle Lane shall be submitted for review and approval. In particular, the plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the construction plans shall show a bike path along the north side of Lytle Lane. In lieu of submitting the road construction plans, a Variance to the Subdivision Regulations shall be obtained to waive the requirement to install the improvements or surety shall be posted for the design and construction of the street; 3. Prior to City Council approval of the Preliminary Plat, the plat document shall be revised to show periodic inundation on any portion of the property subject to storm drainage, overflow or ponding as per Chapter 16.20.040.H of the Rapid City Municipal Code. In addition, prior to any development within the 100 year federally designated floodplain, a Floodplain Development Permit shall be obtained as needed. In addition, a 404 Permit shall be obtained from the Corp of Engineers as needed; 4. Prior to City Council approval of the Preliminary Plat, a drainage plan in compliance with the Unnamed Tributary Drainage Basin Design Plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed; 5. Prior to City

Council approval of the Preliminary Plat, an Approach Permit shall be obtained from the South Dakota Department of Transportation; 6. Prior to submittal of a Final Plat application, the plat document shall be revised to show the existing water main extending through the property within a Utility Easement; 7. 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, 8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

149. No. 07PL142 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Mark and Jana Koupal for a **Preliminary Plat** on Plat of Lots 1 and 2 of Koupal Estates Subdivision, located in the SW1/4 SW1/4 and the S1/2 S1/2 NW1/4 SW1/4, Section 14, T1S, R7E, BHM, Pennington County, South Dakota, legally described as the SW1/4 SW1/4 and the S1/2 S1/2 NW1/4 SW1/4, Section 14, T1S, R7E, BHM, Pennington County, South Dakota, located at 32774 Wallace Street. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, the adjacent property owners shall participate in the platting of the west half and the south half of the section line highways or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way or the section line highways shall be vacated; 2. Prior to Preliminary Plat approval by the City Council, water information identifying the existing available flows of the existing well located on proposed Lot 1 shall be submitted for review and approval; 3. Prior to any construction within the section line highway(s), the applicant shall request the County Board of Commission to open the section line highway(s); 4. 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, 5. 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

Hadcock moved, second by Hurlbut to set for hearing on December 3, 2007, an Alcoholic Beverage License Application for LaCroix Investments, Inc. DBA Bus's Bottle Shop, 615 E. North Street for a Package (Off-Sale) Liquor License renewal for 2008. Motion carried with LaCroix abstaining.

LaCroix moved, second by Hadcock and carried to refer No. 07VE029, a request by Sperlich Consulting, Inc. for Dean Kelly Construction for a **Vacation of Access Easement** on Lot 8R of Flannery Subdivision No. 2, located in the NW1/4 of the NE1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4944 Ireland Place to the November 27, 2007 Public Works Committee meeting.

LaCroix moved, second by Hurlbut and carried to refer No. 07VE038, a request by Dream Design International, Inc. for a **Vacation of Non-Access Easement** on Tract J of Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Degeest Street between Berniece Street and Homestead Street to the November 27, 2007 Public Works Committee meeting.

Okrepkie moved, second by Olson and carried to open public comment on items 152 - 172. Bart Banks, attorney for Rapid Construction addressed item #156 explaining that this is an appeal of the Trenching Board decision to revoke the license of Rapid Construction in connection with work on a project done in June, 2007. Banks explained that several items of pipe were installed, which were not new pipe. He indicated that the inspector on the project noted the infraction and brought the situation to the attention of the construction superintendent on the project. The construction superintendent contacted his home office and the pipe was immediately removed and replaced with new pipe in accordance with the specifications. Banks also indicated there was no Stop Work Order issued on the project in connection with this matter. Banks pointed out that the Trenching Board revoked the license of Rapid Construction, largely because their alternatives are somewhat limited. Banks asked the Council to consider whether or not there might be some other remedy because revocation of this contractor's license is extremely harsh under the circumstances. He indicated that this contractor has been involved with the City for forty years and employs over fifty people. Banks indicated that the contractor proposes to step up and pay for extra inspections that might be required on their projects over the next year; and proposes to pay a reasonable penalty. In a gesture of good faith, Banks indicated that the contractor proposes the sum of \$10,000 as a penalty to assure the City that this will not occur again. Kim Gruba, Rapid City addressed item #162 stressing the unnecessary hardships that will be placed on fifteen homeowners if the City decides to place a new sewer main on Franklin Street rather than in the alley. Gruba explained that these fifteen homeowners will be required to re-route their sewer service lines from the back of their homes at a great expense. She indicated that five homes on the south side of Franklin Street would be allowed to connect to this sewer main, but currently these five homes are not experiencing any problems. Scott Wrigglesworth, Rapid City addressed item #162, explaining that the sewer line is collapsing and that it is urgent that the line be replaced, and asked the Council to assume ownership of the sanitary sewer line in the alley between Saint Cloud Street and Franklin Street, and proceed with the installation of a new sanitary sewer main in the alley. Robert Hodet, Rapid City addressed item #162, pointing out that the homeowners on this block have paid sewer maintenance fees for the past eighty years. Chapman moved, second by Olson and carried to close public comment on items 152 – 172.

NON-CONSENT ITEMS – Items 152 - 172

ORDINANCES

Ordinance No. 5345 (No. LF103107-15), Regarding Supplemental Appropriation No. 4 for 2007 was introduced. Hadcock moved, second by LaCroix and carried that Ordinance No. 5345 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 3, 2007.

Ordinance No. 5335 (No. 07OA008), to Refer to Planned Industrial Development (PID) Rather than Planned Light Industrial Development (PLID), to Address the Uses Permitted in the Planned Industrial Development, the Landscaping Requirements, Setback and Lot Coverage Requirements by Amending Section 17.50.105 of the Rapid City Municipal Code having passed first reading on September 17, 2007, Hadcock moved, second by LaCroix that the title be read the second time. The following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Okrepkie, Chapman, Weifenbach, Olson, Kroeger, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5335 was declared duly passed upon its second reading.

Ordinance No. 5336 (No. 07OA008), Adding Planned Industrial Developments as a Conditional Use by Amending Section 17.24.030 of the Rapid City Municipal Code having passed first reading on September 17, 2007, Hadcock moved, second by LaCroix that the title be read the second time. The following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Okrepkie, Chapman, Weifenbach, Olson, Kroeger, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5336 was declared duly passed upon its second reading.

Ordinance No. 5346 (No. LF103107-18), Amending Section 8.08.070 and Section 8.08.240 of Chapter 8.08 of the Rapid City Municipal Code Relating to Rates Charged for Collection of Refuse having passed first reading on November 5, 2007, Hadcock moved, second by LaCroix that the title be read the second time. The following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Okrepkie, Chapman, Weifenbach, Olson, Kroeger, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5346 was declared duly passed upon its second reading.

LEGAL & FINANCE COMMITTEE ITEMS

The Mayor presented (No. LF103107-01), an appeal of the revocation of Rapid Construction's Sewer and Water Contractor's License. City Attorney Green presented the Council with the draft of an agreement that has been discussed with Bart Banks, attorney for Rapid Construction. Green pointed out that Rapid Construction has not yet agreed with the document; so it is not fair to call this an agreed to settlement. Green indicated that it is important for the Council to remember that the City does not have enough inspectors to be onsite, on any project, any time a contractor is working. He explained that the reason the City found this particular situation, is because the inspector had changed his routine that day and arrived at a time when he was unexpected. He explained that the reason the City has a licensing scheme, is so that the City can ensure that the people who are doing this work without the City's inspectors present, understand the rules and have agreed to abide by the rules.

Johnson moved, second by Hurlbut to continue this item, until after the Executive Session. Responding to a concern from Alderman Kooiker, City Attorney Green indicated that it is appropriate to have the discussion, as long as that discussion, in Executive Session is limited to the potential litigation aspects of this matter. Responding to a question from Alderman Chapman, Green indicated that the statute authorizes governing bodies to have discussions about pending or potential litigation matters. In his opinion, if the Council revokes the license, there will be potential litigation. Upon a roll call vote, the following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Okrepkie, Weifenbach, Olson, and Kroeger; NO: Chapman and Kooiker. Motion carried.

Hadcock moved, second by LaCroix to (No. LF111307-01), confirm the appointment of Jim Olson to the Rapid City Library Board. Motion carried with Olson abstaining.

The Mayor presented No. LF111307-21, to approve a Resolution Establishing Maximum Salaries for Certain City Officers. The following resolution was introduced, read, and Hadcock moved its adoption:

RESOLUTION ESTABLISHING MAXIMUM SALARIES

FOR CERTAIN CITY OFFICERS

WHEREAS, the salaries for the Non-Union positions for the Mayor and Council members are listed in the Resolution Establishing Maximum Salaries for Certain City Officers; and

WHEREAS, the most recent Resolution establishing salaries was approved on November 6, 2006; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the Rapid City Resolution to Establish Maximum Salaries be amended; and

BE IT FURTHER RESOLVED that the compensation for the Mayor be set at \$95,046 per year, effective January 1, 2008; and increased by a three percent (3%) cost of living adjustment annually thereafter; and

BE IT FURTHER RESOLVED that the compensation for each Council member be set at \$13,113 per year, effective January 1, 2008; and increased by a three percent (3%) cost of living adjustment annually thereafter; and

BE IT FURTHER RESOLVED that a travel allowance for each Council member be set at \$75 per month; and a technology allowance for each Council member be set at \$100 per month, effective January 1, 2008.

Dated this 19th day of November, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

The motion for the adoption of the foregoing resolution was second by LaCroix. Alderman Kooiker indicated that the title resolution is misleading, because the resolution includes Cost of Living Adjustment, annually, at three percent. Kooiker pointed out that City employees are subject to a two percent increase in 2008 over 2007; and suggested that needs to be renegotiated.

Substitute motion was made by Kooiker to continue this item to the December 3, 2007 Council meeting. The Chair declared the substitute motion died for lack of a second.

Alderman Hadcock suggested these concerns should have been raised during the budget discussions. Alderman Johnson indicated a wage study, a couple of years ago, called for additional increases for all grades. He indicated the rate of increase is much less for the Council and the Mayor. Responding to questions from Alderman Weifenbach, Finance Officer Preston indicated that in November 2006 there was discussion about taking the Mayor's salary out of the Salary / Wage Scale and apply the a standard three percent increase; and salaries for the Council was discussed during the budget sessions.

Substitute motion was offered by Weifenbach, second by Olson to amend the Resolution relative to the Cost of Living Adjustment (COLA) using the Consumer Price Index (CPI) and capping the COLA at three percent. Upon a roll call vote, the following voted AYE: Weifenbach, Olson, and Kooiker; NO: Johnson, Hadcock, Hurlbut, Okrepkie, Chapman, Kroeger, and LaCroix. Motion failed.

Upon a roll call vote on the original motion to approve, the following voted AYE: Hadcock, Hurlbut, Okrepkie, Chapman, Olson, Kroeger, LaCroix, and Johnson; NO: Weifenbach and Kooiker; whereupon said resolution was declared duly passed and adopted.

Hadcock moved, second by LaCroix to (No. LF111307-20), authorize the Mayor and Finance Officer to sign Assignment Agreement between the City of Rapid City, Bankwest, and Copperfield Vistas, LLLP. Alderman Kooiker pointed out that the nine percent pay back rate is above prime and above the average fifteen or thirty year home mortgage note. At the request of Alderman Chapman, Finance Officer Preston indicated that this is the first assignment from the developer to a bank. He indicated that a bank does send a certification to the Finance Office to verify the interest payment. City Attorney Green advised the Council that there is signed developer's agreement that is based upon the approved project plan; and the Council's ability to alter the interest rate is nonexistent. Motion carried.

Hadcock moved, second by LaCroix and carried to (No. LF111307-23), authorize the Mayor and Finance Officer to sign Ground Lease Estoppel Certificate and Agreement between the City of Rapid City and Steven C. Lester, LLC.

Hadcock moved, second by LaCroix and carried to (No. LF111307-24), authorize the Mayor and Finance Officer to sign Second Amendment to Ground Lease Agreement between City of Rapid City and Steven C. Lester, LLC.

PUBLIC WORKS COMMITTEE ITEMS

LaCroix moved, second by Hadcock to continue the Franklin Street and St. Cloud Street sanitary sewer to the December 3, 2007 Council meeting. Motion carried with Kooiker voting NO.

LaCroix moved, second by Okrepkie to (No. PW111307-08), authorize the Mayor and Finance Officer to sign a Professional Services Agreement with Stanley Consultants for preliminary design of the Source Water Protection Project No. W07-1684 / CIP #50672 for an amount not to exceed \$192,350.00. Responding to a question from Alderman Kooiker, Public Works Director Jablonski indicated that this consultant worked on the brochure that was assembled to make the request of the State's congressional delegation for federal funding. He indicated that the City has had success with this firm in the past in securing federal earmarks for the City. Motion carried.

LaCroix moved, second by Okrepkie to (No. PW111307-09), authorize the Mayor and Finance Officer to sign a Professional Services Agreement with Stanley Consultants for preliminary design of Phase I of the Skyline Drive Restoration Project No. ST07-1683 / CIP #50153 for an amount not to exceed \$47,750.00. Responding to a question from Alderman Weifenbach, Jablonski indicated that this Phase 1 of a restoration project, and includes a preliminary design, and cost estimates that would give the City an opportunity to acquire a federal earmark for the

project. He pointed out that no matter the outcome, work must be done on the roadway. Motion carried.

Alderman Kooiker addressed the Skyline Drive Scenic By-Way Designation. Responding to a question from Alderman Kooiker, Growth Management Director Elkins indicated that Skyline Drive has been ranked as a State scenic by-way. At a request for Elkins, Kooiker moved, second by Olson and carried to refer this item to the December 11, 2007 Public Works Committee meeting.

Johnson moved, second by Hurlbut to table (No. PW071007-18), Canyon Lake Sidewalk Installation. Motion failed upon a roll call vote, with the following voting AYE: Hurlbut, Kooiker, and Johnson; NO: Chapman, Olson, Kroeger, LaCroix, and Hadcock. Chapman moved, second by Olson to continue this item to the December 3, 2007 Council meeting. Substitute motion was made by Johnson, second by Olson to refer this item to the January 15, 2008 Public Works Committee meeting. Motion carried.

LaCroix moved, second by Hadcock to (No. PW103007-21), adopt the City of Rapid City Snow and Ice Control Policy. Alderman Kooiker asked that the policy include a formal statement that indicates that special attention will be given to Mount Rushmore Road, Fifth Street and Fairmont Boulevard, and main thoroughfares to the hospital. Alderman Olson pointed out that the policy defines, clearly, what streets are cared for and in what way. Responding to a request from Alderman Johnson, Jablonski explained the three levels of service for snow fall events. Level 1 occurs when there is approximately 2 – 4 inches of snow and includes arterial streets, emergency routes, streets with steep grades and other hazardous geometry and major intersections. Level 2 occurs when there is approximately 4 – 6 inches of snow and includes collector and subcollector streets and school routes. Level 3 occurs for all snow depth greater than 6 inches and includes all remaining Rapid City streets. Upon a vote being taken on the motion to approve, motion carried.

LaCroix moved, second by Johnson to approve (No. 07EX115), a request by Dream Design International to consider an exception to Allow 59 Lots in Lieu of 40 to Access the Proposed (Realigned) Sammis Trail on Portions of SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota (File No. 07PL134). Motion carried upon a roll call vote, with the following voting AYE: Okrepkie, Chapman, Weifenbach, Kroeger, LaCroix, Johnson, and Hurlbut; NO: Olson, Kooiker, and Hadcock.

BIDS

The following companies submitted bids for (No. CC111907-02), One (1) New Tractor for Parks Division opened November 8, 2007: Jenner Equipment Co. and RDO Equipment Co. Staff reviewed the bids and recommends the bid award to Jenner Equipment Co. Johnson moved, second by Olson and carried to approve the bid award for a New Tractor for the Parks Division to the lowest responsible bidder meeting specifications, Jenner, Equipment Co., for the low unit prices bid for a total contract amount of \$30,841.

The following companies submitted bids for (No. CC111907-02), One (1) New Front End Loader for Solid Waste Division opened November 13, 2007: RDO Equipment Co. Staff reviewed the bid and recommends the bid award to RDO Equipment Co. Okrepkie moved, second by Hadcock and carried to approve the bid award for a New Front End Loader for the Solid Waste

Division to the lowest responsible bidder meeting specifications, RDO Equipment Co., for the low unit price bid of \$182,745.00, less trade-in of \$22,250.00 for a total contract amount of \$160,495.00.

COUNCIL ITEMS & LIAISON REPORTS

Mayor Hanks, responding to an inquiry from Alderman Kooiker on the city/county library contract, indicated that there is a scheduled meeting between the County, City, and School District. Alderman Johnson reiterated his compromise, that the City pay for library services for County residents, and the County pay all expenses to operate the jail or detox center.

Aldermen Hadcock, Hurlbut, Johnson, Chapman and LaCroix reported on their attendance at the National League of Cities - Congress of Cities & Exposition Conference in New Orleans, LA.

Alderman LaCroix shared a proclamation from the City Platform for Strengthening Families and Improving Outcomes for Children and Youth.

APPEALS -- Sign Code Appeals

Hadcock moved, second by Olson and carried that (No. CC110507-03), a Notice of Appeal from the Requirements of the Rapid City Sign Ordinance, Chapter 15.28 by Cabela's Retail, Inc. for wall signs, joint identification sign, and ground monument sign on Lot 3, Forefather Flats Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3231 East Mall Drive be continued to the December 3, 2007 Council meeting.

Hadcock moved, second by Olson and carried that (No. CC110507-04), a Notice of Appeal from the Requirements of the Rapid City Sign Ordinance, Chapter 15.28 by Rapid Center, LLC for joint identification sign on Lot 3, Starlite Subdivision, and a portion of the SW1/4 of Section 28, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota be continued to the December 3, 2007 Council meeting.

PUBLIC HEARING ITEMS – Items 173 - 225

LaCroix moved, second by Olson and carried to open the public hearing on items 173 – 225. No comments were offered.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 173 - 215

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

Continue the following items until December 3, 2007:

173. 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.

174. 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.
175. No. 07CA050 - 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 Light Industrial** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot 7 of Marlin Industrial Park, common to a point on the southerly edge of right-of-way of Marlin Drive, and the point of beginning; Thence, first course: N04°18'35"W, a distance of 29.56 feet, to a point on the centerline of Marlin Drive; Thence, second course: curving to the left, along the centerline of Marlin Drive, on a curve with a radius of 3000.00 feet, a delta angle of 07°43'51", a length of 404.79 feet, a chord bearing of N81°52'30"E, and chord distance of 404.48 feet; Thence, third course: N78°00'34"E, along the centerline of Marlin drive, a distance of 95.10 feet, to intersection of centerline of Marlin Drive and Creek Drive; Thence fourth course: curving to the left, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of S17°40'09"E, and chord distance of 197.91 feet, to the end of previously dedicated Creek Drive; Thence fifth course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of S23°55'17"E, and chord distance of 20.01 feet; Thence sixth course: curving to the left, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of S28°46'30"E, and chord distance of 89.57 feet; Thence seventh course: S56°56'40"W, a distance of 50.00 feet; Thence eighth course: curving to the right, on a curve with a radius of 650.00 feet, a delta angle of 02°21'34", a length of 26.77 feet, a chord bearing of N31°52'33"W, and chord distance of 26.76 feet; Thence ninth course: S59°18'14"W, a distance of 311.85 feet; Thence tenth course: S08°30'44"E, a distance of 235.10 feet, to a point on the section 1/16 line; Thence eleventh course: N89°56'36"W, along the along the section 1/16 line, a distance of 313.37 feet, to the southeasterly corner of said Lot 7; Thence twelfth course: N00°01'20"E, along the easterly boundary of said Lot 7, a distance of 574.90 feet, to the northeasterly corner of said Lot 7, common to a point on the southerly edge of Marlin Drive right-of-way, and the point of beginning, located southwest of the intersection of Creek Drive and Marlin Drive.
176. No. 07CA051 - 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 Office Commercial** on a portion of the NW1/4 of the NE1/4, Section 20,

T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Thence first course: N78°00'34"E, along the centerline of Marlin Drive, a distance of 201.84 feet, to the end of the previously dedicated Marlin Drive; Thence, second course: N78°00'34"E, a distance of 66.26 feet; Thence, third course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of N76°10'58"E, and chord distance of 63.76 feet; Thence, fourth course: N74°21'21"E, a distance of 66.33 feet; Thence, fifth course: S15°38'39"E, a distance of 29.50 feet; Thence, sixth course: S74°21'21"W, a distance of 54.43 feet; Thence, seventh course: S26°59'57"E, a distance of 151.65 feet; Thence, eighth course: S56°56'40"W, a distance of 309.27 feet; Thence, ninth course: S56°56'40"W, a distance of 50.00 feet; Thence tenth course: curving to the right, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of N28°46'30"W, and chord distance of 89.57 feet; Thence eleventh course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of N23°55'17"W, and chord distance of 20.01 feet, to the end of dedicated Creek Drive centerline; Thence twelfth course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of N17°40'09"W, and chord distance of 197.91 feet, the intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Said Parcel contains 87,663 square feet or 2.012 acres more or less, located southeast of the intersection of Creek Drive and Marlin Drive.

177. No. 07CA052 - 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 a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Thence, first course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 05°11'13", a length of 272.92 feet, a chord bearing of N79°49'24"E, and chord distance of 272.83 feet; Thence, second course: S15°38'39"E, a distance of 95.46 feet; Thence, third course: S74°21'21"W, a distance of 66.33 feet; Thence, fourth course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of S76°10'58"W, and chord distance of 63.76 feet; Thence fifth course: S78°00'34"W, a distance of 66.26 feet, to the end of dedicated Marlin Drive centerline; Thence sixth course: S78°00'34"W, along the centerline of Marlin Drive, a distance of 201.84 feet, to the intersection of centerline Marlin Drive and Creek Drive; Thence seventh course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 05°21'24", a length of 93.49 feet, a chord bearing of N09°18'43"W, and chord distance of 93.46 feet; Thence eighth course: N06°38'01"W, along the centerline of Creek Drive, a distance of 422.07 feet, to a point on the southerly right-of-way of Elk Vale Road; Thence ninth course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 00°57'11", a length of 50.15 feet, a chord bearing of N82°50'59"E, and chord distance of 50.15 feet, to the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Said Parcel contains 182,629 square feet or 4.193 acres more or less, located northeast of the intersection of Creek Drive and Marlin Drive.

178. Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the improvements to the driveway approaches along East Saint Patrick Street as they abut the west 250 feet of Lot 2 of Hansen Heights, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 320 East Saint Patrick Street. (File# 07PD082 & 07EX111)
179. No. 07PL083 - A request by Mike Hanson for Tyz Thurston for a **Preliminary Plat** on Lots 13A and 13B of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 13 of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3825 Corral Drive.
180. No. 07PL090 - A request by TSP Three, Inc. for Century Development Co. for a **Preliminary Plat** on Lots 1 thru 17 of Block 1; Lots 1 thru 19 of Block 2 and Lots 1 thru 16 of Block 3 of La Villa Vista Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the north 327.2 feet of the N1/2 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom the W1/2 NW1/4 SE1/4; and excepting therefrom Lot 1 of Lot B of the NE1/4 SE1/4, as shown on the plat filed in Plat Book 3, Page 103; and excepting therefrom North Boulevard Addition; and excepting therefrom Lot RU-302A of the Original Townsite of Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 14, Page 53; and excepting therefrom Lot RU-302B of the Original Townsite of Rapid City, Pennington County, South Dakota as shown on the plat filed in Plat Book 14, Page 94; and excepting therefrom any streets or highway rights of way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1400 East Philadelphia Street.
181. No. 07PL097 - A request by Jared Tordsen for Land and Marine Developments, Inc. for a **Preliminary Plat** on Lots 15 thru 21 of Rockin Ranch Estates, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the N1/2 of the NE1/4 of the SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of the existing Hovering Heights Court and Bunker Drive.
182. No. 07PL107 - A request by FourFront Design, Inc. for Moyle Petroleum Company for a **Preliminary Plat** on Lots 1 and 2 of South Yard Subdivision, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 SW1/4, less Lot H5 (formerly lots 8 thru 10 of Swander's Addition), Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of South Dakota Highway 79 and Minnesota Street.
183. No. 07PL108 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lot 4 of Block 1 of Heartland Retail Center, Section 27 and 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the S1/2 of the SW1/4 of Section 27, and a portion of the N1/2 of the NW1/4 of Section 34, located in the S1/2 of the SW1/4, Section 27, and the N1/2 of the NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Cheyenne Boulevard.

184. No. 07PL116 - A request by Sperlich Consulting, Inc. for James Letner for a **Layout Plat** on Lots 1 thru 8 of Market Square Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Lot 3 of Tract D, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Creek Drive and East St. Patrick Street.
185. No. 07PL118 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Pacific Steel and Recycling for a **Preliminary Plat** on a portion of Lot A of Biernbaum Subdivision, located in the NW1/4 SW1/4, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot A of Biernbaum Subdivision, located in the NW1/4 SW1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat recorded July 10, 1997 and recorded in Book 28 of Plats on Page 27, more fully described as follows: Beginning at the southwest corner of said Lot A of Biernbaum Subdivision, said corner being marked by a rebar with survey cap "RW FISK 6565"; thence, northerly along the westerly edge of said Lot A of Biernbaum Subdivision and along the easterly edge of Highway 79 right-of-way, N00°01'09"W, a distance of 225.01 feet more or less, to an angle point of said Lot A of Biernbaum Subdivision, said corner being marked by a rebar with survey cap "LS4208" and said corner being coincident with the southwesterly corner of Lot B of Biernbaum Subdivision, as shown on the plat recorded July 10, 1997 and recorded in Book 28 of Plats on Page 27; thence, easterly along the northerly edge of said Lot A of Biernbaum Subdivision and along the southerly edge of Lot B of Biernbaum Subdivision, N89°51'25"E, a distance of 206.31 feet more or less, to a point on the westerly edge of Amended Lot H2 of Lot A of Biernbaum Subdivision, as shown in the plat filed April 8, 2003 and recorded in Book 10 of Highway Plats on Page 111, said point being marked by a rebar with survey cap "LS 6119"; thence, southerly along the westerly edge of said Amended Lot H2 of Lot A of Biernbaum Subdivision, S00°05'02"W, a distance of 225.68 feet more or less, to the south line of said Lot A of Biernbaum Subdivision, also being the southwest corner of said Amended Lot H2 of Lot A of Biernbaum Subdivision, said corner being marked by a "SDDOT Monument"; thence, westerly along the southerly line of said Lot A of Biernbaum Subdivision, N89°57'30"W, a distance of 205.90 feet more or less, to the point of beginning, located at 4280 South Highway 79.
186. No. 07PL121 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1A, 2A and 2B, Block 2, formerly Lot 1, less Lot H-1 and Lot 2, less Lot H-2 of Block 2, the vacated portion of Rapp Street and the south half of the vacated alley, located in the NE1/4 SW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, less Lot H-1 and Lot 2, less Lot H-2 of Block 2, located in the NE1/4 SW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Emlin Street and Rapp Street.
187. No. 07PL122 - A request by Paul Lindstrom for a **Layout Plat** on Lots 2A and 2B of Watersedge Subdivision, located in the NE1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Watersedge Subdivision, located in the NE1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1810 Rand Road.

188. No. 07PL139 - A request by Sperlich Consulting, Inc. for Signature Development for a **Preliminary Plat** on Lots 1R, 2R, 3R and 4R of Block 2 of Villaggio at Golden Eagle, located in the S1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1, 2, 3 and 4 of Block 2 of Villaggio at Golden Eagle, and a portion of the SW1/4 of the NW1/4 of the SE1/4 of Section 22, located in the S1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Villaggio Lane and Golden Eagle Drive.
189. No. 07PL140 - A request by Sperlich Consulting, Inc. for Walgar Development for a **Preliminary Plat** on Lot 27 of Block 23 of Robbinsdale Addition No. 10, located in the NW1/4 of the NE1/4 of the SE1/4, the E1/2 of the NW1/4 of the SE1/4, and in the SW1/4 of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the NE1/4 of the SE1/4, a portion of the E1/2 of the NW1/4 of the SE1/4, and a portion of Tract B of Robbinsdale Addition No. 10, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, common to a point on the easterly edge of the right-of-way of Wisconsin Avenue, and the Point of Beginning; Thence, first course: N70°21'03"E along the southerly boundary of said Lot 1 of Block 23 of Robbinsdale Addition No. 10, a distance of 119.95 to a point on the westerly boundary of Lot 14 of Block 23 of Robbinsdale Addition No. 10; Thence, second course: S25°27'00"E, along the westerly boundary of said Lot 14 of Block 23 of Robbinsdale Addition No. 10, a distance of 90.08 feet, to the southwesterly corner of said Lot 14 of Block 23 of Robbinsdale Addition No. 10, common to a point on the northerly edge of the right-of-way of East Minnesota Street; Thence, third course: southwesterly, along the northerly edge of said East Minnesota Street right-of-way, curving to the left on a curve with a radius of 1343.10 feet, a delta angle of 05°09'18", an arc length of 120.84 feet, a chord bearing of S55°55'34"W, and a chord distance of 120.80 feet, to the intersection of the northerly edge of said East Minnesota Street right-of-way, intersecting with the easterly edge of the right-of-way of said Wisconsin Avenue; Thence, fourth course: northwesterly, along the easterly edge of said Wisconsin Avenue right-of-way, curving to the right on a curve with a radius of 236.12 feet, a delta angle of 18°19'43", an arc length of 75.53 feet, a chord bearing of N28°51'00"W, and a chord distance of 75.21 feet, to a point of tangency; Thence, fifth course: N19°41'41"W, along the easterly edge of said Wisconsin Avenue right-of-way, a distance of 45.47 feet, to the southwest corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, common to a point on the easterly edge of the right-of-way of said Wisconsin Avenue, and the Point of Beginning, located north of the intersection of East Minnesota Street and Wisconsin Avenue.
190. No. 07PL141 - A request by Centerline, Inc. for Action Development, Inc. for a **Preliminary Plat** on Lots 1 and 8 of Anamosa Crossing Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Century Road and East North Street.
191. No. 07RZ072 - Second Reading, Ordinance No. 5349, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described

Property as requested by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Light Industrial District** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot 7 of Marlin Industrial Park, common to a point on the southerly edge of right-of-way of Marlin Drive, and the point of beginning; Thence, first course: N04°18'35"W, a distance of 29.56 feet, to a point on the centerline of Marlin Drive; Thence, second course: curving to the left, along the centerline of Marlin Drive, on a curve with a radius of 3000.00 feet, a delta angle of 07°43'51", a length of 404.79 feet, a chord bearing of N81°52'30"E, and chord distance of 404.48 feet; Thence, third course: N78°00'34"E, along the centerline of Marlin drive, a distance of 95.10 feet, to intersection of centerline of Marlin Drive and Creek Drive; Thence fourth course: curving to the left, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of S17°40'09"E, and chord distance of 197.91 feet, to the end of previously dedicated Creek Drive; Thence fifth course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of S23°55'17"E, and chord distance of 20.01 feet; Thence sixth course: curving to the left, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of S28°46'30"E, and chord distance of 89.57 feet; Thence seventh course: S56°56'40"W, a distance of 50.00 feet; Thence eighth course: curving to the right, on a curve with a radius of 650.00 feet, a delta angle of 02°21'34", a length of 26.77 feet, a chord bearing of N31°52'33"W, and chord distance of 26.76 feet; Thence ninth course: S59°18'14"W, a distance of 311.85 feet; Thence tenth course: S08°30'44"E, a distance of 235.10 feet, to a point on the section 1/16 line; Thence eleventh course: N89°56'36"W, along the along the section 1/16 line, a distance of 313.37 feet, to the southeasterly corner of said Lot 7; Thence twelfth course: N00°01'20"E, along the easterly boundary of said Lot 7, a distance of 574.90 feet, to the northeasterly corner of said Lot 7, common to a point on the southerly edge of Marlin Drive right-of-way, and the point of beginning, located southwest of the intersection of Creek Drive and Marlin Drive.

192. No. 07RZ073 - Second Reading, Ordinance No. 5350, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Office Commercial District** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Thence first course: N78°00'34"E, along the centerline of Marlin Drive, a distance of 201.84 feet, to the end of the previously dedicated Marlin Drive; Thence, second course: N78°00'34"E, a distance of 66.26 feet; Thence, third course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of N76°10'58"E, and chord distance of 63.76 feet; Thence, fourth course: N74°21'21"E, a distance of 66.33 feet; Thence, fifth course: S15°38'39"E, a distance of 29.50 feet; Thence, sixth course: S74°21'21"W, a distance of 54.43 feet; Thence, seventh course: S26°59'57"E, a distance of 151.65 feet; Thence, eighth course: S56°56'40"W, a distance of 309.27 feet; Thence, ninth course: S56°56'40"W, a distance of 50.00 feet; Thence tenth course: curving to the right, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of N28°46'30"W, and chord distance of 89.57 feet; Thence eleventh course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of

01°08'47", a length of 20.01 feet, a chord bearing of N23°55'17"W, and chord distance of 20.01 feet, to the end of dedicated Creek Drive centerline; Thence twelfth course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of N17°40'09"W, and chord distance of 197.91 feet, the intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Said Parcel contains 87,663 square feet or 2.012 acres more or less, located southeast of the intersection of Creek Drive and Marlin Drive.

193. No. 07RZ074 - Second Reading, Ordinance No. 5351, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Thence, first course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 05°11'13", a length of 272.92 feet, a chord bearing of N79°49'24"E, and chord distance of 272.83 feet; Thence, second course: S15°38'39"E, a distance of 95.46 feet; Thence, third course: S74°21'21"W, a distance of 66.33 feet; Thence, fourth course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of S76°10'58"W, and chord distance of 63.76 feet; Thence fifth course: S78°00'34"W, a distance of 66.26 feet, to the end of dedicated Marlin Drive centerline; Thence sixth course: S78°00'34"W, along the centerline of Marlin Drive, a distance of 201.84 feet, to the intersection of centerline Marlin Drive and Creek Drive; Thence seventh course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 05°21'24", a length of 93.49 feet, a chord bearing of N09°18'43"W, and chord distance of 93.46 feet; Thence eighth course: N06°38'01"W, along the centerline of Creek Drive, a distance of 422.07 feet, to a point on the southerly right-of-way of Elk Vale Road; Thence ninth course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 00°57'11", a length of 50.15 feet, a chord bearing of N82°50'59"E, and chord distance of 50.15 feet, to the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Said Parcel contains 182,629 square feet or 4.193 acres more or less, located northeast of the intersection of Creek Drive and Marlin Drive.
194. 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.

195. No. 07SV048 - A request by FourFront Design, Inc. for Moyle Petroleum Company for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, street light conduit and sidewalk on the rearage road and a variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, street light conduit and sidewalk on Minnesota Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of South Yard Subdivision, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 SW1/4, less Lot H5 (formerly lots 8 thru 10 of Swander's Addition), Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of South Dakota Highway 79 and Minnesota Street.
196. No. 07SV050 - A request by Sperlich Consulting, Inc. for James Letner for a **Variance to the Subdivision Regulations to waive the requirement to dedicate 10 additional feet of right-of-way and provide a planting screen easement along E. St. Patrick Street; to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, to dedicate 17 feet of right-of-way and provide a planting screen easement along Creek Drive; and to install sidewalk along the south side of E. St. Charles Street as per Chapter 16 of the Rapid City Municipal Code** on Lots 1 thru 8 of Market Square Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Lot 3 of Tract D, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Creek Drive and East St. Patrick Street.
197. No. 07SV051 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Pacific Steel and Recycling for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, additional pavement or additional extension of water or sewer main in any adjoining right-of-way, and the requirement to dedicate additional right-of-way** on a portion of Lot A of Biernbaum Subdivision, located in the NW1/4 SW1/4, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot A of Biernbaum Subdivision, located in the NW1/4 SW1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat recorded July 10, 1997 and recorded in Book 28 of Plats on Page 27, more fully described as follows: Beginning at the southwest corner of said Lot A of Biernbaum Subdivision, said corner being marked by a rebar with survey cap "RW FISK 6565"; thence, northerly along the westerly edge of said Lot A of Biernbaum Subdivision and along the easterly edge of Highway 79 right-of-way, N00°01'09"W, a distance of 225.01 feet more or less, to an angle point of said Lot A of Biernbaum Subdivision, said corner being marked by a rebar with survey cap "LS4208" and said corner being coincident with the southwesterly corner of Lot B of Biernbaum Subdivision, as shown on the plat recorded July 10, 1997 and recorded in Book 28 of Plats on Page 27; thence, easterly along the northerly edge of said Lot A of Biernbaum Subdivision and along the southerly edge of Lot B of Biernbaum Subdivision, N89°51'25"E, a distance of 206.31 feet more or less, to a point on the westerly edge of Amended Lot H2 of Lot A of Biernbaum Subdivision, as shown in the plat filed April 8, 2003 and recorded in Book 10 of Highway Plats on Page 111, said point being marked by a rebar with survey cap "LS 6119"; thence, southerly along the westerly edge of said Amended Lot H2 of Lot A of Biernbaum Subdivision, S00°05'02"W, a distance of 225.68

feet more or less, to the south line of said Lot A of Biernbaum Subdivision, also being the southwest corner of said Amended Lot H2 of Lot A of Biernbaum Subdivision, said corner being marked by a "SDDOT Monument"; thence, westerly along the southerly line of said Lot A of Biernbaum Subdivision, N89°57'30"W, a distance of 205.90 feet more or less, to the point of beginning, located at 4280 South Highway 79.

198. No. 07SV052 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk on both sides of street, water, sewer, curb, gutter, street light conduit, pavement and to reduce Right-of-Way width as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1A, 2A and 2B, Block 2, formerly Lot 1, less Lot H-1 and Lot 2, less Lot H-2 of Block 2, the vacated portion of Rapp Street and the south half of the vacated alley, located in the NE1/4 SW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, less Lot H-1 and Lot 2, less Lot H-2 of Block 2, located in the NE1/4 SW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Eglin Street and Rapp Street.
199. No. 07SV053 - A request by Paul Lindstrom for a **Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2A and 2B of Watersedge Subdivision, located in the NE1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Watersedge Subdivision, located in the NE1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1810 Rand Road.
200. No. 07SV055 - A request by Renner & Associates for Jo and Steve Benn for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water on Clarkson Road and Spring Canyon Trail and to waive the requirement to install pavement on Spring Canyon Trail as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 8 of Block 4 of Clarkson Subdivision, Section 31, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the unplatted balance of the N1/2 of the SE1/4, lying west of Clarkson Road and a portion of the SE1/4 of the NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, located north and east of the intersection of Spring Canyon Trail and Clarkson Road.
201. No. 07SV058 - A request by Sperlich Consulting, Inc. for Walgar Development for a **Variance to the Subdivision Regulations to waive the requirement to provide a planting screen easement and to reduce the right-of-way width along Minnesota Street from 100 feet to 80 feet as per Chapter 16 of the Rapid City Municipal Code** on Lot 27 of Block 23 of Robbinsdale Addition No. 10, located in the NW1/4 of the NE1/4 of the SE1/4, the E1/2 of the NW1/4 of the SE1/4, and in the SW1/4 of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the NE1/4 of the SE1/4, a portion of the E1/2 of the NW1/4 of the SE1/4, and a portion of Tract B of Robbinsdale Addition No. 10, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, common to a point on the easterly edge of the right-of-way of Wisconsin Avenue, and the Point of Beginning; Thence, first course: N70°21'03"E

along the southerly boundary of said Lot 1 of Block 23 of Robbinsdale Addition No. 10, a distance of 119.95 to a point on the westerly boundary of Lot 14 of Block 23 of Robbinsdale Addition No. 10; Thence, second course: S25°27'00"E, along the westerly boundary of said Lot 14 of Block 23 of Robbinsdale Addition No. 10, a distance of 90.08 feet, to the southwesterly corner of said Lot 14 of Block 23 of Robbinsdale Addition No. 10, common to a point on the northerly edge of the right-of-way of East Minnesota Street; Thence, third course: southwesterly, along the northerly edge of said East Minnesota Street right-of-way, curving to the left on a curve with a radius of 1343.10 feet, a delta angle of 05°09'18", an arc length of 120.84 feet, a chord bearing of S55°55'34"W, and a chord distance of 120.80 feet, to the intersection of the northerly edge of said East Minnesota Street right-of-way, intersecting with the easterly edge of the right-of-way of said Wisconsin Avenue; Thence, fourth course: northwesterly, along the easterly edge of said Wisconsin Avenue right-of-way, curving to the right on a curve with a radius of 236.12 feet, a delta angle of 18°19'43", an arc length of 75.53 feet, a chord bearing of N28°51'00"W, and a chord distance of 75.21 feet, to a point of tangency; Thence, fifth course: N19°41'41"W, along the easterly edge of said Wisconsin Avenue right-of-way, a distance of 45.47 feet, to the southwest corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, common to a point on the easterly edge of the right-of-way of said Wisconsin Avenue, and the Point of Beginning, located north of the intersection of East Minnesota Street and Wisconsin Avenue.

202. No. 07SV059 - A request by Centerline, Inc. for Action Development, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, water and sewer along East North Street and to reduce pavement width from 26 feet to 24 feet along A/R Boulevard and A/R Lane as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 8 of Anamosa Crossing Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Century Road and East North Street.
203. No. 07VE028 - A request by Renner & Associates for West River Electric Assn. for a **Vacation of Non-Access Easement** on Lot WR of the NE1/4 NE1/4, Section 15 T1N, R8E, BHM, Pennington County, South Dakota, located at 3383 Reservoir Road.
204. No. 07VE039 - A request by Jared Tordsen for Land and Marine Development, Inc. for a **Vacation of Non-Access Easement** on Lot 7, Rockinon Ranch Estates, located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Bunker Drive along Abbey Road.
205. No. 07VE040 - A request by Jared Tordsen for Land and Marine Development, Inc. for a **Vacation of Non-Access Easement** on Lot 22, Rockinon Ranch Estates, located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast corner of the intersection of Butterfly Lane and Abbey Road (Hovering Heights Court).
206. No. 07VE041 - A request by Jared Tordsen for Land and Marine Development, Inc. for a **Vacation of Non-Access Easement** on Lot 31, Rockinon Ranch Estates, located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South

Dakota, located southwest corner of the intersection of Butterfly Lane and Abbey Road (Hovering Heights Court).

207. No. 07VE042 - A request by Jared Tordsen for Land and Marine Development, Inc. for a **Vacation of Non-Access Easement** on Lot 32, Rockinon Ranch Estates, located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of the intersection of Abbey Road (Hovering Heights Court) and Antler Ridge Road.
208. No. 07VR011 - A request by Bryan Gonzalez for a **Vacation of a portion of Right-of-way** on that portion of Philadelphia Street which is situated directly south of the north 327.2 feet of the N1/2 of the SE1/4 lying west of I90 Right-of-way, excepting therefrom the W1/2 of the NW1/4 of the SE1/4, and less North Boulevard Addition, located in the unplatted (9779); and, the east 670 feet of the south 30 feet of the SW1/4 NE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 East Philadelphia Street, located on Philadelphia Street north of Founders Park Drive and west of West Boulevard North.

Continue the following items until December 17, 2007:

209. No. 07PL134 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southern terminus of Dreamscape Drive.
210. No. 07RZ065 - Second Reading, Ordinance No.5338, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Bob Fuchs for a **Rezoning from General Commercial District to Central Business District** on the South 50 feet of Lots 28 thru 32 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 321 7th Street.
211. No. 07SV057 - 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, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the Dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southern terminus of Dreamscape Drive.

Continue the following items until January 22, 2008:

212. No. 07CA023 - A request by Scull Construction for Whittingham & Lestrangle, LPI for an **Amendment to the Adopted Comprehensive Plan to change the land use**

designation from Park Forest to General Commercial with a Planned Commercial Development on a parcel of land located in the NE1/4 SW1/4 in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, described as follows: commencing at the rear lot corner common to Lots 3 and 4 of Block 1 of Tower Ridge 2 Subdivision, rebar with a survey cap stamped LS 6117, Thence S25°59'34"E a distance of 55.29' to the point of beginning; Thence First Course: along a line with a bearing of N00°00'38"E and a distance of 355.70; Thence Second Course: along a line with a bearing of S10°41'47"E and a distance of 590.96 feet; to an intersection with the northerly line of Lot 5 of Block 1 of Tower Ridge 2 Subdivision; Thence Third Course: along said Lot 5 and the northerly line of Lot 4 of Block 1 of Tower Ridge 2 Subdivision with a bearing of N25°59'34"W and a distance of 250.40 feet to the Point of Beginning, located northeast of Table Rock Road.

213. No. 07PL067 - A request by Scull Construction for Whittingham & Lestrage, LPI for a **Preliminary Plat** on Tracts 1 thru 3 of Block 1, Lot 1, Lot 3 and Lot 4 of Block 2 of Tower Ridge 2; Tract B Revised, Lot 1 and Lot 2 of Tract AR2 of Needles Subdivision, Lot 1 and Lot 2 of Tract A of Meadow View Subdivision; Promise Road Right-of-Way; Dakota Canyon Road Right-of-Way; all located in the SW1/4 of Section 23 and in the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted portion of the SW1/4 of Section 23; the remainder of Lots 2 and 3 of Block 2 and a portion of Silver Nugget Drive Right-of-Way of Aladdin Heights Subdivision; Lots 1 thru 4, a portion of Lots 5 thru 7, Lots 8 thru 12 of Block 1 and Tablerock Road Right-of-Way of Tower Ridge 2 in Section 23; Lot H3 in Section 23 and Lot H4 in Section 26 (Promise Road Right-of-Way); Lot 1 of Shipman Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract a of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.
214. No. 07RZ043 - Second Reading, Ordinance No. 5305, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Scull Construction for Whittingham & Lestrage, LPI for a **Rezoning from Park Forest District to General Commercial District** on a parcel of land located in the NE1/4 SW1/4 in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, described as follows: commencing at the rear lot corner common to Lots 3 and 4 of Block 1 of Tower Ridge 2 Subdivision, rebar with a survey cap stamped LS 6117, Thence S25°59'34"E a distance of 55.29' to the point of beginning; Thence First Course: along a line with a bearing of N00°00'38"E and a distance of 355.70; Thence Second Course: along a line with a bearing of S10°41'47"E and a distance of 590.96 feet; to an intersection with the northerly line of Lot 5 of Block 1 of Tower Ridge 2 Subdivision; Thence Third Course: along said Lot 5 and the northerly line of Lot 4 of Block 1 of Tower Ridge 2 Subdivision with a bearing of N25°59'34"W and a distance of 250.40 feet to the Point of Beginning, located northeast of Table Rock Road.
215. No. 07SV026 - A request by Scull Construction for Whittingham & Lestrage, LPI for a **Variance to the Subdivision Regulations to waive the requirement to install curb,**

gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code on Tracts 1 thru 3 of Block 1, Lot 1, Lot 3 and Lot 4 of Block 2 of Tower Ridge 2; Tract B Revised, Lot 1 and Lot 2 of Tract AR2 of Needles Subdivision, Lot 1 and Lot 2 of Tract A of Meadow View Subdivision; Promise Road Right-of-Way; Dakota Canyon Road Right-of-Way; all located in the SW1/4 of Section 23 and in the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted portion of the SW1/4 of Section 23; the remainder of Lots 2 and 3 of Block 2 and a portion of Silver Nugget Drive Right-of-Way of Aladdin Heights Subdivision; Lots 1 thru 4, a portion of Lots 5 thru 7, Lots 8 thru 12 of Block 1 and Tablerock Road Right-of-Way of Tower Ridge 2 in Section 23; Lot H3 in Section 23 and Lot H4 in Section 26 (Promise Road Right-of-Way); Lot 1 of Shipman Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-Way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-Way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract A of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Johnson moved, second by Olson and carried to close the public hearing on items 173 – 225.

CONSENT PUBLIC HEARING ITEMS – Item 216 - 225

ALCOHOL LICENSES

Hadcock moved, second by Johnson and carried to approve the alcohol licenses for the following: Norman J. Gary dba **Matador Casino**, 2315 Mt. Rushmore Road for a Retail (On-Off Sale) Malt Beverage License with Video Lottery TRANSFER from Laural A. Hawkins dba The Marble Club, 2315 1/2 Mt. Rushmore Road; and Carolyn's Casinos, Inc. dba **Carolyn's Too**, 1141 Deadwood Avenue, Suite 2 for a Retail (On-Off Sale) Malt Beverage License with Video Lottery TRANSFER from Kelly's Sports Lounge, Inc. dba Kelly's Sport Lounge, 825 Jackson Blvd.

Hadcock moved, second by Johnson and carried to continue the hearing for Laural A. Hawkins dba **RAXX Billiards**, 2310 N. Maple Avenue for a Retail (On-Off Sale) Malt Beverage License NO Video Lottery to the December 17, 2007 Council meeting.

NON-CONSENT PUBLIC HEARING ITEMS – Items 219 – 225

The Mayor presented No. 07CA030, a request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the Land Use Designation from General Agriculture to Heavy Industrial** on Lots 2 thru 7 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1717 thru 1937 Marlin Drive. The following resolution was introduced, read, and LaCroix 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 26th day of July, 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 Heavy Industrial, on Lots 2 thru 7 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; 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 Comprehensive Plan be amended to change the land use designation from General Agriculture to Heavy Industrial, on Lots 2 thru 7 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 19th day of November, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

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

The Mayor presented No. 07CA053, a request by CETEC Engineering Services, Inc. for OS Development for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Low Density Residential II** on a tract of land located in the S1/2 SE1/4 of Section 22 and the N1/2 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Commencing at the East ¼ Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 215.75 feet to a point; Thence N45°00'00"E 192.27 feet to the beginning of a curve concave to the northwest and having a radius of 2000.00 feet; Thence along said curve a distance of 450.67 feet to a point; Thence N32°05'22"E 84.51 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of N59°55'26"W; Thence along

said curve a distance of 500.56 feet to a point; Thence S42°01'34"W 646.67 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet to a point; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the Center ¼ corner of said Section 27 bears S33°29'08"W a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C ¼ LS 6014, located west of the intersection of Reservoir Road and Southside Drive. The following resolution was introduced, read, and LaCroix moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

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

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

WHEREAS, the proposed Amendment to the Comprehensive Plan would change the land use designation from Agriculture to Low Density Residential II, on a tract of land located in the S1/2 SE1/4 of Section 22 and the N1/2 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Commencing at the East ¼ Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 215.75 feet to a point; Thence N45°00'00"E 192.27 feet to the beginning of a curve concave to the northwest and having a radius of 2000.00 feet; Thence along said curve a distance of 450.67 feet to a point; Thence N32°05'22"E 84.51 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of N59°55'26"W; Thence along said curve a distance of 500.56 feet to a point; Thence S42°01'34"W 646.67 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet to a point; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the Center ¼ corner of said Section 27 bears S33°29'08"W a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C ¼ LS 6014; 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 Comprehensive Plan be amended to change the land use designation from Agriculture to Low Density Residential II, on a tract of land located in the S1/2 SE1/4 of Section 22 and the N1/2 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Commencing at the East ¼ Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the

second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 215.75 feet to a point; Thence N45°00'00"E 192.27 feet to the beginning of a curve concave to the northwest and having a radius of 2000.00 feet; Thence along said curve a distance of 450.67 feet to a point; Thence N32°05'22"E 84.51 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of N59°55'26"W; Thence along said curve a distance of 500.56 feet to a point; Thence S42°01'34"W 646.67 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet to a point; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the Center ¼ corner of said Section 27 bears S33°29'08"W a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C ¼ LS 6014. as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 19th day of November, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

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

The Mayor presented No. 07SV039, a request by Sperlich Consulting, Inc. for Ronald Shape for a **Variance to the Subdivision Regulations to waive the requirement to dedicate a planting screen easement, to allow platting half of a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 6 of Block 1, Lots 1 thru 9 of Block 2, Lots 1 thru 8 of Block 3 , Lots 1 thru 19 of Block 4, Lots 1 thru 14 of Block 5, Lots 1 thru 23 of Block 6, Lots 1 thru 15 of Block 7, Lots 1 thru 15 of Block 8, Lots 1 thru 13 of Block 9, Lots 1 thru 12 of Block 10, Homestead Subdivision, located in the SE1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located at the eastern terminus of Homestead Street and west of Reservoir Road. LaCroix moved, second by Johnson and carried to deny without prejudice at the applicant's request.

The Mayor presented No. 07SV054, 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, water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 8, 9, 17, 22 and 23 of Marlin Industrial Park, located in the unplatted portion of the NW1/4 NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4

NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northeast, southeast and southwest of the intersection of Creek Drive and Marlin Drive. LaCroix moved, second by Johnson and carried to approve the Variance with the following stipulation: Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

The Mayor presented No. 07SV060, a request by Fisk Land Surveying & Consulting Engineers, Inc. for Mark and Jana Koupal for a **Variance to the Subdivision Regulations to allow platting half a right-of-way as per Chapter 16 of the Rapid City Municipal Code** on Plat of Lots 1 and 2 of Koupal Estates Subdivision, located in the SW1/4 SW1/4 and the S1/2 S1/2 NW1/4 SW1/4, Section 14, T1S, R7E, BHM, Pennington County, South Dakota, legally described as the SW1/4 SW1/4 and the S1/2 S1/2 NW1/4 SW1/4, Section 14, T1S, R7E, BHM, Pennington County, South Dakota, located at 32774 Wallace Street. LaCroix moved, second by Johnson and carried to approve the Variance.

The Mayor presented No. 07RZ051, second reading of Ordinance No. 5315, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from No Use District to Heavy Industrial District** on Lots 2 thru 7 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1717 thru 1937 Marlin Drive. Notice of hearing was published in the Rapid City Journal on July 21, 2007 and July 28, 2007. Ordinance No. 5315 having had the first reading on July 16, 2007, Hadcock moved, second by Johnson that the title be read the second time. The following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Okrepkie, Chapman, Weifenbach, Olson, Kroeger, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5315 the second time.

No. 07RZ068 - Second Reading, Ordinance No. 5341, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by CETEC Engineering Services, Inc. for OS Development for a **Rezoning from No Use District to Low Density Residential II District** on a tract of land located in the S1/2 SE1/4 of Section 22 and the N1/2 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Commencing at the East ¼ Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 215.75 feet to a point; Thence N45°00'00"E 192.27 feet to the beginning of a curve concave to the northwest and having a radius of 2000.00 feet; Thence along said curve a distance of 450.67 feet to a point; Thence N32°05'22"E 84.51 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of N59°55'26"W; Thence along said curve a distance of 500.56 feet to a point; Thence S42°01'34"W 646.67 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet to a point; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the Center ¼ corner of said Section 27 bears S33°29'08"W a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C ¼ LS 6014, located west of the intersection of Reservoir Road and Southside Drive. Notice of hearing was

published in the Rapid City Journal on October 20, 2007 and October 27, 2007. Ordinance No. 5341 having had the first reading on October 15, 2007, Hadcock moved, second by LaCroix that the title be read the second time. The following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Okrepkie, Chapman, Weifenbach, Olson, Kroeger, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5341 the second time.

BILLS

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

Payroll Paid Ending 11-10-07, Paid 11-16-07	776,809.27
Payroll Paid Ending 11-10-07, Paid 11-16-07	2,896.80
Pioneer Bank, Taxes Paid 11-16-07	188,232.57
Pioneer Bank, Taxes Paid 11-16-07	210.54
South Dakota Retirement, Retirement Paid 11-02-07	355,251.50
South Dakota Retirement, Retirement Paid 11-02-07	314.69
Scull Construction, IDP04-1367 Dahl Expansion	207,113.91
First Administrators, claims paid 11-06-07	91,163.50
First Administrators, claims paid 11-13-07	84,416.46
Berkley Risk Administrators, claims paid 11-05-07	35,020.24
Black Hills Power & Light, electricity	23,973.74
Montana Dakota Utilities, gas	1,417.64
West River Electric Association, electricity	13,789.99
United States Postmaster, postage	2,700.00
Computer Bill List	<u>4,880,634.68</u>
Subtotal	\$6,663,945.53
Payroll Paid Ending 11-10-07, Paid 11-16-07	2,609.60
Pioneer Bank, Taxes Paid 11-16-07	184.56
South Dakota Retirement, Retirement Paid 11-02-07	313.14
City of Rapid City, postage	4.84
City of Rapid City, health insurance	1,178.00
Prairiewave Communications, telephone	32.72
Standard Life, life insurance	<u>7.00</u>
Subtotal	\$6,668,275.39
J & J Asphalt Company, CO#1F, ST07-1652	7,485.00
Stanley J. Johnsen Concrete Contractor, Inc., CO#2F, STCM07-1625	<u>2,767.50</u>
Total	\$6,678,527.89

EXECUTIVE SESSION permitted by SDCL 1-25-2

Hurlbut moved, second by Hadcock to go into Executive Session at 9:34 P.M. for the reasons permitted by SDCL 1-25-2. Motion carried with Kooiker voting NO. The Council came out of Executive Session at 10:30 P.M. with all members present.

STAFF DIRECTION

Johnson moved, second by Okrepkie to approve the agreement relative to (No. LF103107-01), an appeal of revocation of Rapid Construction's Sewer and Water Contractor's License, with the following changes: Item #4 to change the amount from \$30,000 to \$10,000; and Item #6 to change the five working days to ten working days. Responding to a question from Alderman Chapman, Banks, attorney for Rapid Construction, indicated that as his client has not had the opportunity to review the document.

Indicating that he originally believed a fine and additional inspections were warranted, Alderman Kooiker indicated that he is not prepared to make a decision in this matter after reviewing pictures of the substandard water pipes. Kooiker believed more serious action is warranted and made substitute motion to continue this item to the December 3, 2007 Council meeting. Motion was second by Alderman Hadcock. Alderman Chapman reminded the members that Council direction was to the City Attorney to negotiate with the attorney for Rapid Construction. He believed the suggested changes still needed to be negotiated. Upon a roll call voted on the continuation, the following voted AYE: Hadcock, Chapman, Olson, and Kooiker; NO: LaCroix, Johnson, Hurlbut, Okrepkie, Weifenbach, and Kroeger. Motion failed.

Substitute motion was made by Kroeger that the penalty be set at \$10,000 and continue the agreement to the December 3, 2007 Council meeting to allow for discussion to take place; that would allow the contractor to be able to get his license back; and in the interim, if there is inspections that need to be done, when we finally agree to what the inspection fees will be, that the contractor has the ten day time period to pay for those fees. City Attorney Green advised the Council that the motion is an attempt to divide the question; to vote on the penalty and then to vote on the agreement at a later date.

With the consent of the members, Alderman Kroeger restated his motion to divide the question. Motion was second by Hadcock. City Attorney Green advised the Council that if they impose a fine, but there is no agreement on how the inspections work or who is going to pay for them, they will have created a mess. He indicated that the agreement is structured, such that, the contractor has to agree to the terms of the agreement; and then the City hires inspectors to conduct the extra inspections that have been contemplated. Green indicated that the City will not be able to hire the inspectors until after the next Council meeting, because the contract must be acted upon. With the consent of the Council, Alderman Kroeger withdrew his motion.

Alderman Johnson indicated that there are three options available to the contractor: They can accept the agreement; or they can reject the agreement and ask for the suspension; or they can reject the agreement and bring forward their version of an agreement they believe the Council could accept. Alderman Chapman indicated that he is a strong advocate for a penalty in this matter; but pointed out that the contractor having the right to accept, reject, and offer their agreement is still an attempt at negotiating. Chapman suggested that the contractor be given an opportunity to review the agreement and then come back before the Council for more discussion, if necessary. Responding to a question from Alderman Kooiker, City Attorney Green indicated that the Trenching Board has revoked the Sewer and Water Contractor's License, and Rapid Construction is unable to work at this point. Alderman Okrepkie indicated that he is not interested in slowing down a project; and believed the conditions outlined in the agreement and the penalty is sufficient. He suggested there is no advantage in continuing this matter.

Motion was made by Hurlbut, and second, to call the question. Motion carried.

Alderman Chapman appealed the ruling of the Chair to proceed directly to voting on the item, based on the vote to call the question. Upon a vote to uphold the decision of the Chair, the decision of the Chair upheld with Chapman voting NO.

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

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 10:56 P.M.

ATTEST:

CITY OF RAPID CITY

Finance Office

Mayor

(SEAL)