

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

April 21, 2008

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, April 21, 2008 at 7:00 P.M.

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

Staff members present included Finance Officer Jim Preston, City Attorney Jason Green, Development Services Coordinator Bob Dominicak, Public Works Director Robert Ellis, Fire Chief Mark Rohlfing, Police Chief Steve Allender, and Administrative Coordinator Jackie Gerry.

ADOPTION OF AGENDA

The following items were added to the agenda:

- Agenda item No. CC040708-02 will be considered after item No. CC042108-02.5
- Award Informal Quote for Canyon Lake Dam Repairs Project - Phase 1 Project No. PW08-1718
- Mayor's Committee on Disabilities

Motion was made by Okrepkie and seconded to adopt the agenda as amended. Motion carried.

APPROVE MINUTES

Motion was made by Okrepkie and seconded to approve the minutes for April 7, 2008 and March 25, 2008 special Council meeting. Motion carried.

AWARDS AND RECOGNITIONS

Mayor Hanks presented the Veteran for the Month of April, 2008 to David J. Schram, and recognized his efforts and dedication to the service of his country and community.

Robert Ellis, Public Works Director accepted, on behalf of the City, a Certificate of Achievement for Safe Drinking Water from the South Dakota Department of Environment and Natural Resources.

At this time, 7:10 P.M. Alderman Hurlbut entered the proceedings.

Mayor Hanks presented Certificates of Recognition to Mark Krichgesler and Robert Powell and acknowledged their 20 years of dedicated service to the Rapid City Fire Department; and Gena Miller and acknowledged her 20 years of dedicated service to the Rapid City Finance Office.

GENERAL PUBLIC COMMENT

Liz Fulton, Rapid City indicated her opposition to the proposed Rushmont project in downtown Rapid City.

NON-PUBLIC HEARING ITEMS -- Items 3 - 97

Motion was made by Okrepkie and seconded to open public comment on Items 3 - 73. Motion carried. Jami and James Carpenter, Rapid City addressed item #67 (07PL180), indicating that West Nike should be widen by the developer using their own property. Motion was made by Chapman and seconded to close public comment on Items 3 - 73. Motion carried.

CONSENT ITEMS – Items 3 - 73

The following items were removed from the Consent Items:

8. No. PW040108-10 – Request Mayor to set a property owners meeting regarding East Anamosa Street Right-Of-Way; and bring forward a report to the City Council

20. No. PW041508-15 – Authorize Mayor and Finance Officer to sign Professional Service Agreement with Albertson Engineering, Inc. to design Block 75 Parking Structure Third Level Addition for an amount not to exceed \$171,790

23. No. PW041508-19 – Authorize staff to seek proposals for Rushmore Plaza Civic Center Parking Improvements

32. Request staff to draft a resolution in support of the South Dakota Municipal League's policy to allow World Wide Web publication of Council meeting minutes

40. No. CC040708-02 – Approve the bid award for the Digital Video Recorder System (including monitor, server, antenna, and all necessary components) for the Police Department to the lowest responsible bidder meeting specifications, L-E Communications Mobile-Vision, Inc., for the low unit prices bid for a total contract amount of \$160,308.

51. No. LF041608-10 – Approve Resolution to Establish Additional Staffing in the Community Resources Department.

55. No. LF041608-13 – Refer Human Relations Commission ordinance to a committee to be appointed by the Mayor consisting of an attorney from the City Attorney's office, a representative from the City Council, and representatives from the community to review the current ordinance and draft a new ordinance and bring it back to the Legal and Finance Committee meeting.

Motion was made by Okrepkie and seconded to approve the following items as they appear on the Consent Items. Motion carried.

Alcoholic Beverage License Applications Set for Hearing (May 5, 2008)

3. **Rushmore Curling Club, Inc.** for a special Beer License for an event scheduled May 2, 3, & 4, 2008 at Roosevelt Park Ice Arena, 235 Waterloo Street

4. **Black Hills Heritage Festival** for a special Beer License for an event scheduled July 3, 4, 5, & 6, 2008 in Memorial Park
5. Gab Denk Kwak and Kaz Campillo dba **Hana Restaurant**, 2328 West Main Street for a Retail (On-Sale) Wine License
6. Gab Denk Kwak and Kaz Campillo dba **Hana Restaurant**, 2328 West Main Street for a Retail (On-Off Sale) Malt Beverage License NOT ELIGIBLE FOR VIDEO LOTTERY
7. Arrowhead Country Club dba **Arrowhead Country Club**, 3675 Sheridan Lake Road for a Retail (On-Off Sale) Malt Beverage License NOT ELIGIBLE FOR VIDEO LOTTERY

Public Works Committee Consent Items

9. No. PW041508-04 – Approve the bid award for the Enchanted Pines Drive Water Main Extension Project W0-1669 / CIP #50692 to the low bidder, B & B Excavating for a total contract amount of \$24,442
10. No. PW041508-05 - Adopt the Source Water Utilization Tool from the Water Advocacy Task Force
11. No. PW041508-06 – Approve Change Order No. 2F for Mountain View Road Utilities Reconstruction, Jackson Boulevard to Omaha Street, Project No. W05-1342 / CIP No. 50350 to Heavy Constructors, Inc. for a decrease of \$25,836.48
12. No. PW041508-07 – Approve Change Order No. 1F for 2007 Street Painting Contract Project No. PM07-1615 / CIP No. 50594 to United Rental Highway Technologies, Inc. for an increase of \$11,470.69
13. No. PW041508-08 – Authorize staff to advertise for bids for Polymer for Sludge Dewatering for Water Reclamation Facility
14. No. PW041508-09 – Authorize staff to advertise for bids for Byrnwood Area Street Project No. ST08-1706 / CIP No. 50721
15. No. PW041508-10 – Authorize staff to advertise for bids for East Saint Joseph Turn Lane Project No. ST07-1660 / CIP No. 50699
16. No. PW041508-11 – Authorize staff to advertise for bids for Lacrosse Street Drainage Improvements Project No. DR01-1157 / CIP No. 50438
17. No. PW041508-12 – Authorize staff to advertise for bids for Alternative Cover Material for Landfill Operations
18. No. PW041508-13 – Authorize staff to advertise for bids for Well No. 6 Pump Replacement, Project No. W08-1724 / CIP No. 50724
19. No. PW041508-14 – Authorize staff to advertise for bids for Vacuum Trailer for Water Reclamation Facility
21. No. PW041508-16 – Authorize Mayor and Finance Officer to sign Amendment No. 1 to Professional Services Agreement with Kadrmas, Lee & Jackson, Inc. for 44th Street Reconstruction Project No. ST05-1435 for a decreased amount of \$7,819.16
22. No. PW041508-17 - Accept design report for Elk Vale Road Sanitary Trunk Sewer Extension Project No. SS07-1658 / CIP No. 50686 by Ferber Engineering Company, Inc.
24. No. PW041508-20 – Authorize staff to seek proposals for West Boulevard Area Sewer Reconstruction, CIP No. 50422
25. No. 08VE002 - Approve a **Vacation of Access Easement** for petitioner Fisk Land Surveying & Consulting Engineers for 4 B LLC on Lot 3, Block 1, Rushmore Business Park, located in the S1/2 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3635 Homestead Street

OF ACCESS EASEMENT

WHEREAS the Rapid City Council held a public hearing on the 21st day of April, 2008 to consider the vacation of a portion of a Access Easement on Lot 3, Block 1, Rushmore Business Park, located in the S1/2 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3635 Homestead Street; and

WHEREAS the owner(s) of the above-described property desire that said portion of the access restriction be vacated and released;

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

Dated this 21st day of April, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

- 26. No. 08VE006 - Approve a **Vacation of a portion of a major drainage easement** for petitioner Ferber Engineering for ARC International, Inc. on Lot A, Stoney Creek South Subdivision, SW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Sheridan Lake Road and Catron Boulevard

RESOLUTION OF VACATION
OF A MAJOR DRAINAGE EASEMENT

WHEREAS it appears that a portion of a major drainage easement on Lot A, Stoney Creek South Subdivision, SW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Sheridan Lake Road and Catron Boulevard, 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, as shown on Exhibit "A", attached hereto and incorporated herein by this reference, is not needed for a public purpose and is hereby vacated.

Dated this 21st day of April, 2008.

CITY OF RAPID CITY
s/ Alan Hanks

ATTEST:
s/ James F. Preston
Finance Officer

(SEAL)

27. No. PW041508-25 – Approve a request by Britton Engineering & Land Surveying Inc. on behalf of Land & Marine Development, Inc. to authorize the construction of drainage pipes and to grant drainage easements for drainage improvements on Lot 2, New park Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
28. No. PW041508-26 – Approve a request by Tom and Becky Pitman to extend the expiration date of a Preliminary Plat for Lots 1 and 2 of Pittman Subdivision, Section 31, T1N, R7E, BHM, Pennington County, South Dakota for a period of one year
29. No. 08TP012 – Approve Amendment No. 08-007 to the 2008-2012 Transportation Improvement Program

Legal & Finance Committee Consent Items

30. No. LF041608-01 – Confirm appointment of Janelle Finck to the Retired Senior Volunteer Program Advisory Council.
31. No. LF041608-23 - Confirm appointment of Anna Vandergrift, Bob Fuchs, Dan Senftner, John Brewer, Deb Hadcock, Assistant City Attorney Mike Schad, and Planner III Vicki Fisher to the ad hoc committee on sidewalk cafes with Deb Hadcock serving as Chairman of said committee.
33. No. LF041608-03 – Acknowledge Capital Improvements Program Committee monthly update for March, 2008.
34. No. LF041608-04 – Approve the purchase of information technology hardware in the amount of \$503,403.61, funding to be the Capital Improvements Program reserve balance.
35. Approve the following Government Buildings carryover from FY2007 to FY2008 – Fire Station, \$150,000; Milo Barber Transportation Center - \$15,831; Main Fire Station HVAC - \$19,106; Retaining Wall - \$5,000; Automatic Irrigation - \$70,000; Equipment Maintenance Shop - \$478,721; Exhaust Filtration System Fire 5 & 7 - \$7,000; VIC Sidewalk & Patio Replacement - \$15,000; Cold Storage Building - \$100,000; Canyon Lake / Sheridan Lake Irrigation - \$70,300; and Journey Sidewalk - \$13,000; Roof Replacement - \$33,000.
36. Approve the Government Buildings Five Year Plan for FY2013 as recommended: Miscellaneous Projects - \$525,000; Golf Maintenance Facility - \$200,000; Dinosaur Park Concession Building - \$100,000; and Police Evidence, Transportation and Traffic (PETT) Equipment - \$75,000.
37. Approve the reallocation of \$5,000 from the retaining wall to the Milo Barber Transportation Center for FY 2008.
38. Acknowledge the update on economic development (Accurpress) in Rapid City.
39. No. LF041608-05 – Approve Event Permit for Black Hills Overdrive Car Rally for June 5-8, 2008.
41. No. LF041608-22 – Approve Resolution to Increase the Fee for Rapid City Police Department Construction/Maintenance Temporary Parking Permit

RESOLUTION TO INCREASE THE FEE FOR RAPID CITY POLICE DEPARTMENT CONSTRUCTION / MAINTENANCE TEMPORARY PARKING PERMIT

WHEREAS, the City of Rapid City has authorized the Rapid City Police Department to issue "Construction / Maintenance Temporary Parking Permits"; and

WHEREAS, the fee currently charged is \$1.06 per day; and

WHEREAS, the current fee is not sufficient to cover the expenses of administering the "Rapid City Police Department Construction / Maintenance Temporary Parking Permit" program; and

WHEREAS, the Rapid City Common Council finds that it is in the best interest of the City of Rapid City to amend the established fee for a "Construction / Maintenance Temporary Parking Permit."

NOW, THEREFORE, BE IT RESOLVED, that the fee for a "Construction / Maintenance Temporary Parking Permit" shall henceforth be \$5.30 per day.

Dated this 21st day of April, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

- 42. Authorize staff to apply for the 2008 assistance to Firefighters Grant from Homeland Security.
- 43. No. 08TP008 – Authorize Mayor and Finance Officer to sign the Sheridan Lake Road Neighborhood Area Future Land Use Plan Professional Services Agreement with Ferber Engineering Company, Inc. in an amount not to exceed \$23,040.00.
- 44. No. 08TP009 and 08TP010 – Approve the Amendment to the 2008 Unified Planning Work Program and Amendment to the 2008 Unified Planning Work Program Agreement Number 311029.
- 45. No. 08TP013 – Authorize Mayor and Finance Officer to sign Agreement between City of Rapid City and City of Box Elder for Accomplishing the Rapid City Area Transportation Planning Process.
- 46. Acknowledge the following volunteers for workmen’s compensation purposes: Allen Leland, Jennifer Mansfield, Selah Hovland, Simon Fuller.
- 47. No. LF041608-06 – Approve Travel Request for Jim Preston, Pauline Sumption, Connie Ewing, Tracy Davis, Jason Green, Joel Landeen, and Cathy Druckrey to attend the SDML Human Resources School and Finance Officers' School June 10 - 13 in Oacoma, SD in the approximate amount of \$2,755.
- 48. No. LF041608-07 – Approve Resolution Declaring Property Surplus.

RESOLUTION DECLARING PROPERTY SURPLUS

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

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

Planning

1 – Time Lapse Turning Movement Counter – salvage value – none

GIS

1 – Trimble Ag 132 Receiver and Antenna
Receiver: Trimble AgGPS Model AG132
PN: 33302-01
SN: 0224023755

Antenna: PN: 33580-20
SN: 0220309751

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

Dated this 21st day of April, 2008.

CITY OF RAPID CITY
s/ Alan Hanks

ATTEST:
s/ James F. Preston
Finance Officer

(SEAL)

- 49. No. LF041608-08 – Approve Resolution Establishing Change Fund for Landfill.

RESOLUTION ESTABLISHING CHANGE FUND

WHEREAS, it has been determined that the Rapid City Landfill requires an additional Change Fund to operate the facility efficiently;

NOW, THEREFORE, BE IT RESOLVED, that an additional Change Fund be established for the Rapid City Landfill in the amount of One Hundred Dollars (\$100) to be used as follows:

Change Fund for Petty Cash \$100

BE IT FURTHER RESOLVED, that the City Finance Officer is authorized to issue a Treasurer’s Check to establish the fund.

Dated this 21st day of April, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

- 50. No. LF041608-09 – Approve Resolution to Establish Additional Staffing in the Finance Department.

RESOLUTION TO ESTABLISH ADDITIONAL STAFFING
IN THE FINANCE DEPARTMENT

WHEREAS, the Finance Officer has indicated that additional staffing will be necessary to provide the necessary services in the Finance Department; and

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City Council to authorize an increase of one full-time equivalent (FTE) for the remainder of the 2008 fiscal year.

Dated this 21st day of April, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

- 52. No. LF041608-11 – Approve Travel Request for Dave VanCleave to Attend WEFTEC 2008 Conference in Chicago, IL, October 17-23, 2008, in the Approximate Amount of \$2,946.50.
- 53. No. LF041608-21 – Authorize Mayor and Finance Officer to sign Memorandum of Understanding between the City of Rapid City and the Black Hills Mountain Bike Association for Operation of the Dirt Jump Park.
- 54. No. LF041608-12 – Approve Addendum to Real Estate Lease between the City of Rapid City and Presbyterian Retirement Village of Rapid City, Inc.
- 56. No. LF041608-14 – Acknowledge raffle request from Harney League Sports.
- 57. No. LF041608-15 – Acknowledge raffle request from Suncatcher Therapeutic Riding Academy.
- 58. No. LF041608-16 – Acknowledge raffle request from Mount Rushmore Chapter Shrine of Democracy Chorus Barbershop Harmony Society.
- 59. No. LF041608-17 – Acknowledge raffle request from Noon Optimist Club.
- 60. No. LF041608-18 – Acknowledge raffle request from Mule Deer Foundation.
- 61. No. LF041608-19 – Acknowledge raffle request from CASA Program.
- 62. No. LF041608-20 – Approve the following abatement: Bonnie Collins - \$639.82.
- 63. Approve the following licenses: Mechanical Installer: Cory Fleming; Mobile Home Park: Prairie Acres LLC, Prairie Acres (2007 & 2008); and Northwestern Engineering Company, Meadowlark Hill Mobile Estates; Electrical Journeyman: Dennis LaRoche, Clint Painter, and Jeremy Wallace; Plumbing Contractor: Tim Callahan, Callahan

Plumbing & Heating; Michael Coleman, Progressive Plumbing; Rod Holmes, Holmes Plumbing Inc.; and Tom Schultz, C & S Plumbing Inc.; Plumbing Plumber: Ezra Ahrendt, Marlon Bordeaux, Doug Brown, Mark Butts, Tom Cooper, Robert Crosby, William Howell Jr., Scott M Martin, Bill Mathieu, Troy Sharkey, Donnie Sheffield, Rick Sidle, Shoun VanDerPol, and Vere Williams; Plumbing Apprentice: Callan Heigh, Jesse Lilleskov, Eric Linquist, Paul Moser, Rick Reed, and Tim Simon; Second Hand: Neugebauer's Fine Jewelry, Richard J. Bauman.

Growth Management Department Consent Items

64. 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. (PRELIMINARY PLAT IS DENIED WITHOUT PREJUDICE AT THE APPLICANT'S REQUEST.)
65. No. 07PL166 - A request by Oliver A. Freimark for a **Layout Plat** on Lot 1 of Spring Creek Estates Subdivision, located in a portion of the NE1/4 SE1/4, Section 3, T1S, R7E, BHM, Pennington County, South Dakota, legally described as a portion of the NE1/4 SE1/4, Section 3, T1S, R7E, BHM, Pennington County, South Dakota, located at 8686 South Highway 16. (LAYOUT PLAT IS APPROVED WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a Phasing Plan shall be submitted for review and approval identifying the phasing of any proposed future development and parcel subdivision; 2. Upon submittal of a Preliminary Plat application, a copy of the recorded miscellaneous document creating the access easement shall be submitted for review and approval; 3. Upon submittal of a Preliminary Plat application, construction plans for the access easement shall be submitted for review and approval. In particular, the construction plans shall show the easement located within a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the access easement with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to Preliminary Plat approval by the Planning Commission, an Exception shall be obtained to allow the access easement to serve seven lots in lieu of four lots as per the Street Design Criteria Manual or the easement shall be dedicated as right-of-way; 5. Prior to Preliminary Plat approval by the Planning Commission, an Exception shall be obtained to allow a 1,350 foot long cul-de-sac with no intermediate turnarounds every 600 feet in lieu of a 1,200 foot long cul-de-sac with intermediate turnarounds every 600 feet as per the Street Design Criteria Manual or the plat document shall be revised accordingly; 6. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval; 7. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered

Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer demonstrating that adequate fire and domestic flows are being provided shall be submitted for review and approval. In addition, the plat document shall be revised to provide utility easements as needed; 8. Upon submittal of a Preliminary Plat application, a grading and drainage plan shall be submitted for review and approval; 9. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval; 10. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 11. Prior to approval of a Preliminary Plat application by Planning Commission, the property shall be rezoned to allow the proposed lot size or a lot size Variance shall be obtained from Pennington County; 12. Prior to submittal of a Final Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided; 13. 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, 14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

66. No. 07PL178 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Todd Christoffer of First National Bank for a **Preliminary Plat** on Lots A and B of Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Elk Vale Road and Homestead Street. (PRELIMINARY PLAT IS APPROVED WITH THE FOLLOWING STIPULATIONS: 1. That Prior to City Council approval, the cost estimates for the Subdivision improvements be submitted for review and approval, 2. That Prior to City Council approval, the applicant submit for review and approval construction plans showing the shared access easement with the 59 feet, 26 feet of pavement width, curb, gutter, sidewalk, street light conduit, water and sewer for the shared access easement or the Variance be obtained; 3. Preliminary Plat approval by City Council the applicant shall submit for review and approval construction plans identifying sidewalks along Homestead Street or the Variance be obtained; 4. Preliminary Plat approval by City Council the applicant shall submit for review and approval construction plans for Elk Vale Road identifying curb, gutter sidewalk along Elk Vale Road or the Variance be obtained; 5. 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, 6. Prior the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)
67. No. 07PL180 - A request by Dream Design International for Signature Homes, LLC for a **Layout Plat** on Lots 1 thru 263 and Tracts A, B, D, E, F, G, H, I, J and K of Prairie Meadows Subdivision, located in Section 18, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the Government Lot 4 less Right-of-way, the

unplatted balance of the SE1/4 SW1/4, and the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Country Road, east of Cobalt Avenue and west of 143rd Street. (LAYOUT PLAT IS APPROVED WITH THE FOLLOWING STIPULATIONS: 1. Prior to submittal of a Preliminary Plat application, a Comprehensive Plan Amendment to the Major Street Plan relocating LaCrosse Street as proposed shall be approved or the plat document shall be revised accordingly; 2. Upon submittal of a Preliminary Plat, a Traffic Impact Study shall be submitted for review and approval to determine the impact the development will have on existing and proposed streets within the area. In addition, the Traffic Impact Study shall identify any required street improvements needed to accommodate the traffic; 3. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures; 4. Upon submittal of a Preliminary Plat application, a grading plan shall be submitted for review and approval; 5. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval; 6. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall show the design of drainage swales, ditches and storm sewers sized in compliance with the Drainage Basin Design Plan and the Drainage Criteria Manual. In particular, the drainage plan shall include calculations demonstrating that developed flows from the site do not exceed pre-developed flows or on-site detention shall be provided. In addition, the plat document shall be revised to provide drainage easements as needed; 7. Upon submittal of a Preliminary Plat application, the applicant shall submit a copy of the Conditional Letter of Map Revision approved by the Federal Emergency Management Agency and the 404 Wetland Permit. In addition, a Floodplain Development Permit shall be obtained as needed prior to the start of any construction within the federally designated 100 year floodplain area; 8. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval; 9. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, construction plans for the lift station shall be submitted for review and approval if needed to serve the eastern portion of the development. The plat document shall also be revised to provide utility easements as needed; 10. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as needed; 11. Upon submittal of a Preliminary Plat application, road construction plans for LaCrosse Street shall be submitted for review and approval. In particular, the road construction plans shall show LaCrosse Street located in a 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 12. Upon submittal of a Preliminary Plat application, road construction plans for Country Road shall be submitted for review and approval. In particular, the road

construction plans shall show Country Road located in a 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised dedicating an additional 17 feet of right-of-way; 13. Upon submittal of a Preliminary Plat application, road construction plans for W. Nike Road and 143 rd Avenue shall be submitted for review and approval. In particular, the road construction plans shall show W. Nike Road and 143 rd Avenue located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised dedicating an additional 5 feet of right-of-way for each street; 14. Upon submittal of a Preliminary Plat, road construction plans for Bengal Drive, Prairie Sage Street, Owen Way, Rabbit Drive, Elise Avenue, Lydia Street, Lady Beetle Avenue and that portion of Ross Allen Drive located west of LaCrosse Street shall be submitted for review and approval. In particular, the construction plans shall show the streets located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sac street, Rabbit Drive, with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 15. Upon submittal of a Preliminary Plat, road construction plans for Pronghorn Drive, Ox Eye Court, Gopher Court, Hawk Drive, Bumble Bee Lane and that portion of Rosco Drive located east of LaCrosse Street shall be submitted for review and approval showing the street(s) located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sac street(s) with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 16. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow Rabbit Drive as a 1,200 foot long cul-de-sac street with no intermediate turnaround at a 600 foot interval or the plat document shall be revised accordingly; 17. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow more than 20 dwelling units along Rabbit Drive, a cul-de-sac street, or the plat document shall be revised accordingly; 18. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement; 19. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 20. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show non-access easements as per the Street Design Criteria Manual; 21. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show the greenway/detention area labeled with a numeric lot and block annotation. In addition, the applicant shall identify the proposed ownership and documentation of responsibility for maintenance of this area. If the applicant intends for the lot to be owned and maintained by the City, then the applicant shall obtain City Council approval to accept this responsibility prior to Preliminary Plat approval by the City Council; 22. Prior to submittal of a Preliminary Plat application, the proposed street names shall be reviewed and

approved by the Emergency Services Communication Center. In addition, the plat document shall be revised to show any corrections needed; 23. 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, 24. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

- 68. No. 08AN006 - A request by Dream Design International Inc. for a **Petition for Annexation** on the NE1/4 NW1/4, NE1/4, N1/2 N1/2 NW1/4 SE1/4, N1/2 N1/2 W1/2 NE1/4 SE1/4, E1/2 NE1/4 SE1/4, Section 21, T2N, R8E, BHM, Pennington County, South Dakota, located west of Elk Vale Road. (PETITION FOR ANNEXATION IS APPROVED.)

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the following territory, containing 235 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

NE1/4 NW1/4, NE1/4, N1/2 N1/2 NW1/4 SE1/4, N1/2 N1/2 W1/2 NE1/4 SE1/4, E1/2 NE1/4 SE1/4, Section 21, T2N, R8E, BHM, Pennington County, South Dakota

Dated this 21st day of April, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

- 69. No. 08PL015 - A request by Sperlich Consulting, Inc. for Black Hills Surgery Center, LLP for a **Preliminary Plat** on Lot 32R-2 of Block 18 of Robbinsdale Addition No. 10, located in the SE1/4 of the NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 32R and 33R of Block 18 of Robbinsdale Addition No. 10, located in the SE1/4 of the NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 216 Anamaria Drive. (PRELIMINARY PLAT IS APPROVED WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary

Plat approval by the City Council, all necessary changes be made to the plat document and construction plans as identified on the red lined drawings. In addition, the red lined drawings must be returned to the Growth Management Department; 2. Prior to City Council approval of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 3. Prior to City Council approval of the Preliminary Plat application construction plans for the sewer main shall be submitted for review and approval for the portion of sewer along Alta Vista Drive; 4. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual be submitted for review and approval; 5. 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, 6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval.)

70. No. 08PL020 - A request by Sperlich Consulting, Inc. for Doeck, LLC for a **Preliminary Plat** on Lots 12 thru 13 of Block 4, Lots 1 thru 21 and Lots 33 thru 38 of Block 8, Lots 1 thru 5 of Block 9, Lots 1 thru 20 of Block 10, and Lot 1 of Block 11, Auburn Hills Subdivision, Sections 13 and 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4, Section 13, a portion of the SW1/4 of the NW1/4, Section 13, a portion of the SE1/4 of the NE1/4, Section 14, and a portion of the NE1/4 of the SE1/4 Section 14, located in the NW1/4 of the SW1/4, and the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, the SE1/4 of the NE1/4 and the NE1/4 of the SE1/4, Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the western terminus of Cobalt Drive and north of Auburn Drive and Charmwood Drive. (PRELIMINARY PLAT IS APPROVED WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by Planning Commission, water system plans prepared by a Registered Professional Engineer verifying the source and demonstrating that sufficient quantities for domestic and fire flows shall be submitted for review and approval; 2. Prior to Preliminary Plat approval by City Council, the plat document shall be revised to show utility easements for the proposed utilities along Cobalt Drive; 3. Prior to Preliminary Plat approval by City Council, the plat document shall be revised to show utility easements for the proposed utilities along Auburn Drive; 4. Prior to Preliminary Plat approval by City Council, the plat document shall be revised to show utility easements for the proposed utilities along Misty Woods Drive; 5. Prior to Preliminary Plat approval by City Council, the plat document shall be revised to show utility easements for the proposed utilities and a temporary turnaround for the west end of Calla Drive ; 6. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show "Misty Woods Lane" and revised road name shall be submitted for review and approval for "Calla Drive"; 7. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval; 8. Prior to Preliminary Plat approval by the City Council, a Stormwater Management Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval; 9. All International Fire Codes shall be continually met; 10. 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, 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

71. No. 08PL026 - A request by Fisk Land Surveying & Consulting Engineers for Harley Taylor for a **Preliminary Plat** on Lots 1 thru 10 of Elysian Heights Subdivision and dedicated Right-of-way, located in the N1/2 SW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), said point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision, S00 00'48"E, a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3 of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision, S00 03'36"W, a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11 of Block 3 of Wildwood Subdivision, S32 53'42"W, a distance of 67.03 feet more or less, to the westerly corner of said Lot 11, Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12, Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 12 of Block 3 of Wildwood Subdivision, S32 58'25"W, a distance of 65.94 feet more or less, to the northwest corner of said Lot 12, Block 3, of Wildwood Subdivision, said point being coincident with the north corner of Lot 13R of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence, S90 00'00"W, a distance of 704.97 feet more or less; thence, North, a distance of 747.30 feet more or less; thence, N69 00'53"W, a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of 2 26'04", an arc length of 20.92 feet more or less, and a chord bearing of S25 13'48"W, and a chord distance of 20.91 feet, more or less; thence, N63 33'10"W, a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of 9 44'59", an arc length of 66.75 feet more or less, and a chord bearing of N21 34'20"E, and a chord distance of 66.67 feet, more or less; thence, S83 00'00"W, a distance of 363.67 feet more or less; thence, S04 41'43"E, a distance of 202.00 feet more or less; thence, S35 35'41"W, a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence, S89 47'34"W, a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line, N00 12'26"W, a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the south line of said Lot 9 of Block 5 of Westview Estates and along the south line

of Lot 1 of Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177), N89 47'51"E, a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates, N89 46'54"E, a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates and along the south line of Carriage Hills Drive right-of-way, N89 51'26"E, a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89 50'31"E, a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89 48'02"E, a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 52'45"E, a distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 46'22"E, a distance of 165.37 feet more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 48'13"E, a distance of 134.59 feet more or less, to the southeast corner of said Lot 26R of Block 3 of Westview Estates, said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates, and said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot R of Block 3 of Westview Estates, N89 48'06"E, a distance of 130.02 feet more or less, to the point of beginning, located at the southern terminus of Carriage Hills.

(PRELIMINARY PLAT IS APPROVED WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, an Exception to allow 64 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual shall be obtained or the plat document shall be revised accordingly; 2. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a 40 foot wide and a 33 foot wide shared approach, respectively, in lieu of a maximum 24 foot wide shared approach as per the Street Design Criteria Manual or the plat document shall be revised to show a maximum 24 foot wide shared approach; 3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval; 5. 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, 6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

72. No. 08PL029 - A request by Sperlich Consulting for TK Engessor Investments LLC for a **Preliminary Plat** on Lots 1 through 5, Engessor Subdivision, Rapid City, Pennington County, South Dakota, legally described as the E1/2 SE1/4, less Lot H1 of the NE1/2 SE1/4, less Lot A of the NE1/4 SE1/4, less Lot PE1 of the NE1/4 SE1/4 and less a portion of a South Dakota owned Railroad Right-of-Way, all in Section 24, T1N, R8E, BHM, located in the E1/2 SE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota, located south of Dunn Road and west of Radar Hill Road. (PRELIMINARY PLAT IS DENIED WITHOUT PREJUDICE AT THE APPLICANT'S REQUEST.)
73. No. 08PL031 - A request by Dream Design International Inc. for a **Preliminary Plat** on Tract BR, Neff's Subdivision No.4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A of F&N Subdivision and Tract B of Neff's Subdivision No. 4, NW1/4 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the Jolly Lane terminus, east of Elk Vale Road. (PRELIMINARY PLAT IS APPROVED WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a 1,200 foot long cul-de-sac street with no intermediate turnaround at a 600 foot interval or an intermediate turnaround shall be provided as required; 2. Prior to Preliminary Plat approval by the City Council, construction plans for Jolly Lane shall be submitted for review and approval. In particular, the construction plans shall show the street with a minimum 27 foot wide paved surface. In addition, the cul-de-sac bulb shall be constructed with a minimum 96 foot wide paved surface. The construction plans shall also show a sidewalk along Jolly Lane or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, a Stormwater Management Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if necessary; 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

Motion was made by LaCroix and seconded to (No. PW040108-10), request Mayor to set a property owners meeting regarding East Anamosa Street Right-Of-Way; and bring forward a report to the City Council. Northwestern Engineering was contacted about the need for a 100 foot right-of-way, plus a 20 foot easement for utilities; and they have agreed in principle to this request. Substitute motion was made by Okrepkie and seconded to table. Motion carried with Kooiker voting NO.

Motion was made by LaCroix and seconded to (No. PW041508-15), authorize Mayor and Finance Officer to sign Professional Service Agreement with Albertson Engineering, Inc. to design Block 75 Parking Structure Third Level Addition for an amount not to exceed \$171,790. Motion carried.

Motion was made by LaCroix and seconded to (No. PW041508-19), authorize staff to seek proposals for Rushmore Plaza Civic Center Parking Improvements. Alderman Olson indicated her opposition to expanding the Civic Center parking east of 5th Street, beyond the existing

parking, believing that this is not the best use of this greenway space; and asked for more discussion about possible alternatives, such as a shuttle services.

Motion to amend was made by Olson and seconded to include alternatives to the use of the east 5th Street area being proposed for parking. Council was reminded that the City is seeking professional consultant services for the design, construction and administration of these improvements. It is indicated that a surface parking lot is approximately \$1,200 per stall and a parking structure is approximately \$17,000 per stall. It was explained that the existing ball field and bike path will be relocated on-site and landscape buffering will be done. Because of the 11-6-19 Review, there will be a public hearing before improvements can be made in this area. It was suggested that the best way to address the public comment portion of the project would be to phase the project. Phase 1 would be the analysis of any alternatives and the findings presented to the City Council. Based on the findings, the City Council could move forward into Phase 2, which could be the design of a parking facility. Upon a vote being taken on the amendment, motion failed with Olson voting AYE.

Upon a vote being taken on the motion to approve, motion carried.

Motion was made by Hadcock and seconded to request staff to draft a resolution in support of the South Dakota Municipal League's policy to allow World Wide Web publication of Council meeting minutes. It was indicated that the intent is not to limit access to the minutes, but to save money. A competitive bidding process for legal publication of the minutes was suggested. It was also suggested that the bidding process should also include web publication. In order to allow a bidding process, it was suggested that there is a need to review the rules of eligibility to allow other newspapers to become newspapers of record.

Substitute motion was made by Johnson and seconded to refer the issue relating to the World Wide Web publication of Council meeting minutes to the April 30, 2008 Legal & Finance Committee meeting. Motion carried.

Motion was made by Hadcock and seconded to (No. LF041608-10), approve a Resolution to Establish Additional Staffing in the Community Resources Department. Community Resources is requesting two positions, a Human Resource Clerk and an Information Technology (IT) staff member. The Human Resource Clerk will assist with the City's payroll and the IT staff member will split their time between the City and Regional Airport. The City and School District will cost share the IT position. The Airport will pay one-half of the costs and the remaining one-half will be paid at forty percent from the School District and sixty percent from the Mayor's budget. The IT position will coordinate efforts of the audio/video recordings of proceedings taking place in the Board Room. The Human Resource Clerk is Grade 12, Step A and the IT position is Grade 17, Step A; and funding for these positions will be from the 2008 budgets. Concern was expressed about adding FTE's outside the City's budgetary process. Motion carried.

Motion was made by Hadcock and seconded to (No. LF041608-13), refer Human Relations Commission ordinance to a committee to be appointed by the Mayor consisting of an attorney from the City Attorney's office, a representative from the City Council, and representatives from the community to review the current ordinance and draft a new ordinance and bring it back to the Legal and Finance Committee meeting. Motion carried.

Motion was made by Hadcock and seconded to open public comment on Items 74 - 97. Motion carried. No comments were offered. Motion was made by Okrepkie and seconded to close public comment on items 74 - 97. Motion carried.

NON-CONSENT ITEMS – Items 74 - 97

ORDINANCES

Ordinance No. 5379 (No. 08RZ005), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Kristen Lowe for Traci Klatt for a **Rezoning from General Commercial District to Medium Density Residential District** on the east 150 feet of Lot 20 thru 21 of Block 1 of Lot 7, located in the SW1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4216 Canyon Lake Drive was introduced. Motion was made by Hadcock and seconded that Ordinance No. 5379 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, May 5, 2008. Motion carried.

Ordinance No. 5380 (No. 08RZ006), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Boschee Engineering for Stoney Creek Development for a **Rezoning from Low Density Residential District to Office Commercial District** on a parcel of land located within the unplatted portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: beginning at the northwest lot corner of Lot 3, Block 3 of Stoney Creek South Subdivision; said point is also lying on the easterly right-of-way line of Bendt Drive; Thence northerly along said easterly right-of way line the following two courses: Thence N01°34'53"E, 40.08 feet to a point of curvature; Thence northerly along the arc of said curve to the right whose radius is 174.00 feet and whose central angle is 40°47'10", an arc length of 123.86 feet to a point on said curve; said point also being the southwest lot corner of Tract BD of Stoney Creek South Subdivision; Thence S70°48'41"E, along the southerly lot line of said Tract BD, a distance of 124.47 feet; Thence departing said southerly lot line S19°11'19"W, 116.69 feet to the northeast lot corner of said Lot 3, Block 3; thence S89°21'43"W, along the north lot line of said Lot 3, Block 3, a distance of 125.70 feet to the Point of Beginning, containing 0.426 acres more or less, located south of Catron Boulevard between Bendt Drive and Nugget Gulch Road was introduced. Motion was made by Hadcock and seconded that Ordinance No. 5380 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, May 5, 2008. Motion carried.

Ordinance No. 5381 (No. 08RZ007), 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 Office Commercial District to General Commercial District** on a portion of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 3 of Block 4 of Big Sky Business Park, common to the southeasterly corner of Lot 2 of Block 4 of Big Sky Business Park, and the point of beginning, Thence, first course: S89°47'32"E, along the southerly boundary of said Lot 3 of Block 4, a distance of 199.60 feet, to the southeasterly corner of said Lot 3 of Block 4; Thence, second course: S89°44'39"E, a distance of 30.00 feet; Thence, third course: S00°06'50"W, a distance of 1025.13 feet, to a point on the northerly boundary of Tract A of F & N Subdivision; Thence, fourth course: N89°48'13"W, along the northerly boundary of said Tract A, a distance of

229.83 feet; Thence, fifth course: N00°07'35"E, a distance of 1025.15 feet, to the southwesterly corner of said Lot 3 of Block 4, common to the southeasterly corner of said Lot 2 of Block 3, and the point of beginning, located east of Elk Vale Road and west of Degeest Drive and south of Berniece Street was introduced. Motion was made by Hadcock and seconded that Ordinance No. 5381 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, May 5, 2008. Motion carried.

Ordinance No. 5382 (No. 08RZ008), 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 Public District** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S89°48'53"E, along the northerly boundary of said Tract A, a distance of 168.32 feet; Thence, second course: S20°15'16"E, a distance of 707.30 feet; Thence, third course: S00°09'08"W, a distance of 31.62 feet, to the northwesterly corner of Block 2 of Neff's Subdivision No. 2; Thence, fourth course: N85°25'19"W, a distance of 414.67 feet, to a point on the westerly boundary of said Tract A; Thence, fifth course: N00°01'18"E, along the westerly boundary of said Tract A, a distance of 662.63 feet, to the northwesterly corner of said Tract A, and the point of beginning, located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road was introduced. Motion was made by Hadcock and seconded that Ordinance No. 5382 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, May 5, 2008. Motion carried.

Ordinance No. 5383 (No. 08RZ009), 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 Low Density Residential District to Public District** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner Block 2 of Neff's Subdivision No.2, and the point of beginning, Thence, first course: S00°14'20"W, along the westerly boundary of said Block 2, a distance of 128.02 feet, to the northeasterly corner of Block 1 of Neff Subdivision V; Thence, second course: S84°01'28"W, along the northerly boundary of said Block 1, a distance of 365.67 feet, to the northwesterly corner of said Block 1; Thence, third course: N13°51'21"W, a distance of 205.16 feet, to a corner on the westerly boundary of Tract A of F & N Subdivision; Thence, fourth course: S85°25'19"E, a distance of 414.67 feet, to the northwesterly corner Block 2 of Neff's Subdivision No.2, and the point of beginning, located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road was introduced. Motion was made by Hadcock and seconded that Ordinance No. 5383 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, May 5, 2008. Motion carried.

Ordinance No. 5384 (No. 08RZ010), 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 Low Density Residential District to Office Commercial District** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly of Tract B of Neff's Subdivision No. 4, common to a corner on the westerly boundary of Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S89°44'04"E, along the westerly boundary of said Tract A, a distance of 112.99 feet, to a corner

on the westerly boundary of said Tract A; Thence, second course: S13°51'21"E, a distance of 205.16 feet, to the northwesterly corner of Block 1 of Neff's Subdivision V, common to a point on the southerly boundary of said Tract A; Thence, third course: S00°07'01"W, along the southerly boundary of said Tract A, common to the westerly boundary of said Block 1, a distance of 148.23 feet, to a point on the southerly boundary of said Tract A; Thence, fourth course: N89°39'33"W, along the southerly boundary of said Tract A, a distance of 164.80 feet, to the southwest corner of said Tract A, common to the easterly boundary of said Tract B; Thence, fifth course: N00°29'28"E, along the westerly boundary of said Tract A, common to the easterly boundary of said Tract B, a distance of 346.97 feet, to the northeasterly of Tract B of Neff's Subdivision No. 4, common to a corner on the westerly boundary of Tract A of F & N Subdivision, and the point of beginning, located east of the northern terminus of Jolly Lane and west of Sweetbriar Street was introduced. Motion was made by Hadcock and seconded that Ordinance No. 5384 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, May 5, 2008. Motion carried.

Ordinance No. 5385 (No. 08RZ011), 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 Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Tract A of F & N Subdivision, thence S89°48'53"E, along the northerly boundary of said Tract A, a distance of 168.32 feet, to the point of beginning; Thence, first course: S89°47'42"E, along the northerly boundary of said Tract A, a distance of 701.98 feet, to section 1/16th corner; Thence, second course: S00°06'38"W, along the section 1/16th line, a distance of 537.65 feet; Thence, third course: N89°51'50"W, a distance of 98.10 feet; Thence, fourth course: curving to the left, on a curve with a radius of 400.00 feet, a delta angle of 20°23'26", a length of 142.35 feet, a chord bearing of S79°56'27"W, and chord distance of 141.60 feet; Thence, fifth course: S69°44'43"W, a distance of 50.69 feet; Thence, sixth course: S20°15'16"E, a distance of 5.25 feet; Thence, seventh course: curving to the right, on a curve with a radius of 288.00 feet, a delta angle of 20°19'59", a length of 102.21 feet, a chord bearing of S10°05'17"E, and chord distance of 101.67 feet; Thence, eighth course: S00°04'43"W, a distance of 8.38 feet, to a point on the southern boundary of said Tract A; Thence, ninth course: S89°55'23"W, along the southerly boundary of said Tract A, a distance of 29.49 feet, to the northeasterly corner of Block 2 of Neff's Subdivision No. 2; Thence, tenth course: N89°50'11"W, along the southerly boundary of said Tract A, common to the northerly boundary of said Block 2, a distance of 161.21 feet, to the a southerly corner of said Tract A, common to the northwesterly corner of said Block 2; Thence, eleventh course: N00°09'08"E, a distance of 31.62 feet; Thence, twelfth course: N20°15'16"W, a distance of 707.30 feet, to a point on the northerly boundary of said Tract A, and the point of beginning, located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road was introduced. Motion was made by Hadcock and seconded that Ordinance No. 5385 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, May 5, 2008. Motion carried.

Ordinance No. 5386 (No. 08RZ012), 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 Low Density Residential District** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly corner of Tract A of F & N Subdivision, and the point of beginning, Thence,

first course: $S00^{\circ}07'40''W$, a distance of 25.77 feet, to the northwesterly corner of Block 12 of Big Sky Subdivision; Thence, second course: $S00^{\circ}07'40''W$, along the westerly boundary of said Block 12, a distance of 144.58 feet; Thence, third course: $S71^{\circ}37'02''W$, along the westerly boundary of said Block 12, common to the easterly boundary of said Tract A, a distance of 14.49 feet; Thence, fourth course: $S40^{\circ}22'12''E$, along the westerly boundary of said Block 12, a distance of 920.50 feet; Thence, fifth course: $S18^{\circ}55'40''E$, along the westerly boundary of said Block 12, a distance of 55.05 feet; Thence, sixth course: $S22^{\circ}39'24''E$, along the westerly boundary of said Block 12, a distance of 54.51 feet; Thence, seventh course: $S05^{\circ}44'23''E$, along the westerly boundary of said Block 12, a distance of 47.63 feet; Thence, eighth course: $N89^{\circ}57'36''E$, along the westerly boundary of said Block 12, a distance of 92.82 feet, to the northwesterly corner of Lot 1 of Block 10 of Big Sky Subdivision; Thence, ninth course: $S00^{\circ}00'05''W$, along the westerly boundary of said Lot 1 of Block 10, a distance of 115.16 feet, to the southwesterly corner of said Lot 1 of Block 10; Thence, tenth course: $S00^{\circ}00'05''W$, a distance of 52.00 feet, to the northwesterly corner Lot 1 of Block 9 of Big Sky Subdivision; Thence, eleventh course: $S00^{\circ}00'05''W$, along the westerly boundary of said Lot 1 of Block 9, a distance of 134.71 feet, to a point on the southwesterly corner of said Lot 1 of Block 9; Thence, twelfth course: $N89^{\circ}47'43''W$, along the northerly boundary of Lot 31 of Degeest Subdivision, a distance of 252.04 feet, to the northwesterly corner of said Lot 31 of Degeest Subdivision; Thence, thirteenth course: $N89^{\circ}47'43''W$, a distance of 63.00 feet, to the northeasterly boundary of Block 1 of Mack Subdivision; Thence, fourteenth course: $N89^{\circ}47'43''W$, along the northerly boundary of said Block 1 of Mack Subdivision, a distance of 399.97 feet, to the northwesterly corner of said Block 1 of Mack Subdivision; Thence, fifteenth course: $N00^{\circ}12'35''E$, a distance of 631.94 feet, to the northeasterly corner Block 1 of Neff's Subdivision No. 2; Thence, sixteenth course: $N89^{\circ}52'44''W$, along the northerly boundary of said Block 1 said Neff's Subdivision No. 4, a distance of 468.56 feet, to the northwesterly corner of said Block 1 of Neff's Subdivision No. 2; Thence, seventeenth course: $S89^{\circ}55'24''W$, a distance of 30.00 feet; Thence, eighteenth course: $N00^{\circ}04'43''E$, a distance of 8.38 feet; Thence, nineteenth course: curving to the left, on a curve with a radius of 288.00 feet, a delta angle of $20^{\circ}19'59''$, a length of 102.21 feet, a chord bearing of $N10^{\circ}05'17''W$, and chord distance of 101.67 feet; Thence, twentieth course: $N20^{\circ}15'16''W$, a distance of 5.25 feet; Thence, twenty-first course: $N69^{\circ}44'43''E$, a distance of 50.69 feet; Thence twenty-second course: curving to the right, on a curve with a radius of 400.00 feet, a delta angle of $20^{\circ}23'26''$, a length of 142.35 feet, a chord bearing of $N79^{\circ}56'27''E$, and chord distance of 141.60 feet; Thence, twenty-third course: $S89^{\circ}51'50''E$, a distance of 98.10 feet, to a point on the section 1/16th line; Thence, twenty-fourth course: $N00^{\circ}06'38''E$, along the section 1/16th line, a distance of 537.65 feet, to the section 1/16th corner, common to a point on the northerly boundary of said Tract A; Thence, twenty-fifth course: $S89^{\circ}48'43''E$, along the northerly boundary of said Tract A, a distance of 226.22 feet, to the northeasterly corner of Tract A of F & N Subdivision, and the point of beginning, located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road was introduced. Motion was made by Hadcock and seconded that Ordinance No. 5386 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, May 5, 2008. Motion carried.

Ordinance No. 5373 (No. LF040208-12), Repealing Chapter 15.26 of the Rapid City Municipal Code in Its Entirety and Adopting a New Chapter 15.26 of the Rapid City Municipal Code Entitled Mechanical Code having passed first reading on April 7, 2008, motion was made by Hadcock and seconded 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. 5373 was declared duly passed upon its second reading.

Ordinance No. 5374 (No. LF040208-13), Repealing Chapter 15.22 of the Rapid City Municipal Code in Its Entirety and Adopting a New Chapter 15.22 of the Rapid City Municipal Code Entitled International Fuel Gas Code having passed first reading on April 7, 2008, motion was made by Hadcock and seconded 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. 5374 was declared duly passed upon its second reading.

Ordinance No. 5376 (No. LF040208-23A), to Require Notification of the Police Department Prior to Moving a Building by Adding Section 5.44.070 to Chapter 5.44 of the Rapid City Municipal Code having passed first reading on April 7, 2008, motion was made by Hadcock and seconded 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. 5376 was declared duly passed upon its second reading.

LEGAL & FINANCE COMMITTEE ITEMS

The Mayor presented No. 08TI004, a request by Sperlich Consulting for Ronald Shape w/ Innovative Creations LLC to consider an application for a **Creation of Tax Increment District** on SE1/4 NE1/4, Government Lot 1 and Tract C of Big Sky Subdivision, and the dedicated right-of-way for Homestead Street lying adjacent to Tract C of Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Homestead Street. The following resolution was introduced, read, and Hadcock moved its adoption:

RESOLUTION CREATING TAX INCREMENT DISTRICT NUMBER SIXTY EIGHT AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS, the property within the following described District meets the qualifications and criteria set forth in SDCL 11-9; and,

WHEREAS, the Council of the City of Rapid City finds that the aggregated assessed value of taxable property in this District, plus the assessed values of all other districts currently in effect, does not exceed ten percent (10%) of the total assessed value of taxable property in the City of Rapid City; and,

WHEREAS, the Council finds that:

- (1) Not less than twenty-five percent (25%), by area, of the real property within the district is a blighted area as defined in SDCL 11-9-9 through 11-9-11; and,
- (2) The improvement of the area is likely to significantly enhance the value substantially on all of the other real property in the district.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the real property legally described as:

SE1/4NE1/4, Government Lot 1 and Tract C of Big Sky Subdivision, and the dedicated right-of-way for Homestead Street lying adjacent to Tract C of Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

is hereby designated as Tax Increment District Number 68.

Dated this 21st day of April, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

The motion for the adoption of the foregoing resolution was seconded. This Tax Increment District will have oversizing costs for drainage, storm sewer, and grading for a detention cell. The developer will also construct a seventy-five foot extension of Homestead Street on behalf of the Rapid City Area School District. The City of Rapid City will install a sixteen inch watermain within Homestead Street. This watermain extension will not serve the Homestead Subdivision, but will extend water service closer to Rapid City Regional Airport. Because there is some commercial zoning, this district qualifies as an economic development TIF. In the calculation of the project plan, an interest rate of nine percent is used for the developer and an interest rate of six percent is used for the City. The Tax Increment District is approved by the Tax Increment Finance Committee and the Planning Commission. It is also indicated that the Tax Increment District does not meet the statutory criteria for blight. Upon a vote being taken on the motion to approve, the following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Okrepkie, Chapman, Weifenbach, Olson, and Kroeger; NO: Kooiker; whereupon said resolution was declared duly passed and adopted.

The Mayor presented No. 08TI005, a request by Sperlich Consulting for Ronald Shape w/ Innovative Creations LLC to consider an application for a **Project Plan for Tax Increment District - Homestead** on SE1/4 NE1/4, Government Lot 1 and Tract C of Big Sky Subdivision, and the dedicated right-of-way for Homestead Street lying adjacent to Tract C of Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Homestead Street. The following resolution was introduced, read, and Hadcock moved its adoption:

RESOLUTION APPROVING THE PROJECT PLAN FOR HOMESTEAD TAX INCREMENT DISTRICT NUMBER SIXTY EIGHT AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS, the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and

WHEREAS, the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and

WHEREAS, there has been established Homestead Tax Increment District Number Sixty-Eight; and

WHEREAS, the Council deems desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and

WHEREAS, the Tax Increment District includes commercially zoned property thereby forming an economic development Tax Increment District; and

WHEREAS, the Project Plan submitted helps make this development feasible by assisting in the development of Homestead Subdivision through the development of drainage and street improvements; and

WHEREAS, the Project Plan submitted will assist with the construction of drainage/storm sewer and grading, extension of Homestead Street, and a 16 inch water main; and

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

WHEREAS, there has been developed a Project Plan for this Tax Increment District which proposes these improvements; and

WHEREAS, the Council has considered the Project Plan submitted by the Planning Commission and determined that the Project Plan for Homestead Tax Increment District Number Sixty-Eight is economically feasible; and

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

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

Dated this 21st day of April, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

The motion for the adoption of the foregoing resolution was seconded. 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 next item for discussion is (No. LF121207-27A), a Resolution Establishing a Policy to Reimburse the Owners of Private Sewer and Water Service Lines Serving Multiple Residences for the Cost of Repairing or Replacing Such Lines. Motion was made by Okrepkie and seconded, for discussion purposes, to approve. It is indicated that the City's current policy is a 40 / 60 match. The City pays 40 percent or a maximum of \$4,000, per property to repair non-conforming services lines; and the property owner pays the 60 percent. Because this is an assessment program, the City must be petitioned to fix a problem.

City staff has identified 580 documented cases of private property being served by private water lines; and 799 documented cases of private property being served by private sewer lines. These documented cases are concentrated in four areas in Rapid City – North Rapid, central Rapid, Canyon Lake area, and West Chicago area. In North Rapid the aging utility lines appears to be 55 years old; central Rapid - 80 years old; Canyon Lake area - 60 years old; and West Chicago - 60 years old. There appears to be little or no maintenance of these aging private service lines, which causes sewer backups into residential homes. It also appears that there is infiltration into these pipes when there is saturated conditions. Ground water is getting into the lines, taking up capacity in the lines and the City is treating ground water unnecessarily at the Wastewater Treatment Facility. Then there is the nuisance problems, such as sewage being discharged directly into the ground and contaminating the ground water. Because of the costs to repair these failing private lines, it is difficult to get neighborhood consensus to fix the problems. Staff time is also an issue, because staff members can spend one-third of their time investigating the failed lines, preparing estimates for a repair project, and visiting with the public and the neighborhood. The repair projects unravel when the affected property owners can not agree on the repair project or afford the costs to make the repairs. It is indicated that there is no known ownership or unknown ownership of these types of utility lines. Without the ownership it is difficult to fix the problems.

The following options were outlined -- fix the problems under the current 40 / 60 match program, using a graduated scale by the age of the line. The City must be petitioned and the City Council must pass a resolution declaring that the affected property owners must pay. The project is also done privately and the property owner is responsible for hiring a contractor and paying the contractor. When the project is complete, the bills are submitted to the City and the property owners will be reimbursed the 40 percent. As other benefiting property owners begin to connect to the new line, a connection fee is charged and these fees are then reimbursed to the original property owners paying for the project. Using the graduated scale by age, the older the line the more the City would pay. A private utility line being 40 years old the City would pay 50 percent; 50 years old - 60 percent; and 90 years old - 100 percent. The problem that exists with this program is determining the age of the home and the infrastructure; and the City's managing the connection fees as the years pass.

Another option is a 70 / 30 match program, similar to the 40 / 60 match program; using a graduated scale by the age of the line.

Staff recommendation is to increase the incentive to fix these lines. The more the City reimburses, the better; limit the number of properties to benefit, such as 2 – 3 properties being served by a private line rather than one single property owner; make it an easy connection fee to administer; and requiring property owners to petition the City for a project. The petitions will help prioritize the projects. Staff is recommending this program be limited to lines installed before 1970 or 1990. Staff is also recommending a \$200,000 – \$300,000 budget line item for

the program. It is indicated that the SAB 28 option is still available for private property owners to get a low interest loan from the City, for these repairs.

Substitute motion was made by Hadcock and seconded to direct staff to prepare an ordinance amendment addressing the 70 / 30 match program; and bring the ordinance amendment before the Legal & Finance Committee.

Motion to amend was made by Johnson and seconded to include language about three or more homes, and the year 1970. Upon a roll call vote on the motion to amend, the following voted AYE: Johnson and Weifenbach; NO: LaCroix, Hadcock, Hurlbut, Okrepkie, Chapman, Olson, Kroeger, and Kooiker. Motion failed.

Motion to amend was made by Weifenbach and seconded to identify and notify all property owners being served by a private line; and find some way to attach the notice to the property so that the private line is disclosed when the property is sold. The Council was advised that there is no mechanism to record anything in the chain of title that would provide disclosure. It is not possible to record something in the title of property that someone else owns without their consent. The information can be a matter of record but there is no guarantee that the title company will recover that information in their title search when property is being transferred. Upon a roll call vote on the motion to amend, the following voted AYE: Johnson, Hadcock, Hurlbut, Weifenbach, Kooiker, and LaCroix; NO: Okrepkie, Chapman, Olson, and Kroeger. Motion carried.

Upon a vote being taken on the motion as amended, motion carried.

PUBLIC WORKS COMMITTEE ITEMS

Motion was made by LaCroix and seconded to refer (No. PW041508-02), a request by Leadership Rapid City, Class of 2006 for a donation of approximately 300 tons of asphalt millings from the City of Rapid City for the purposes of constructing a walking path adjacent to the Rapid City Humane Society to the April 30, 2008 Legal & Finance Committee meeting. Motion carried.

The following companies submitted informal quotes for the Canyon Lake Dam Repairs Project - Phase 1 Project No. PW08-1718: Quinn Construction, Inc. - \$14,750; Corr Construction Services, Inc. - \$14,800; and R.C.S. Construction, Inc. - \$24,600. Staff recommends the award to Quinn Construction, Inc. for an amount not to exceed \$14,750. Motion was made by Chapman and seconded to approve the award of the informal quote for Canyon Lake Dam Repairs Project - Phase 1 Project No. PW08-1718 to the lowest responsible bidder meeting specifications, Quinn Construction, Inc. for the low unit prices bid for a total contract amount of \$14,750. This phase of the project is the installation of a relief valve to drop the elevation of the lake. The second phase of the project is filling the sink hole, at a later date.

Substitute motion was made by Kooiker and seconded to continue this item after item #95. Motion carried.

Motion was made by LaCroix and seconded to (No. PW041508-18), authorize staff to seek proposals for Canyon Lake Dam Restoration. Substitute motion was made by Hurlbut and seconded to continue this item after item #95. Motion carried with Olson voting NO.

BIDS

The following companies submitted bids for (No. CC042108-02), 43rd Court Water Main Reconstruction Project No. ST06-1529 / CIP No. 50606 opened April 15, 2008: Simon Contractors of SD, Inc., Quinn Constructions, Inc., Highmark, Inc., Hills Materials Company, Mainline Contracting, Inc., and R. C. S. Construction, Inc. Staff reviewed the bids and recommends the award to Simon Contractors of SD, Inc. Motion was made by Johnson and seconded to approve the bid award for the 43rd Court Water Main Reconstruction Project No. ST06-1529 to the lowest responsible bidder meeting specifications, Simon Contractors of SD, Inc. for the low unit prices bid, for a total contract amount of \$610,012.40. Motion carried.

The following companies submitted bids for (No. CC042108-02), RU Lots Paving (Friendship House) Project No. ST07-1649 / CIP No. 50681 opened April 15, 2008: Simon Contractors of SD, Inc., J & J Asphalt Company, and Hills Materials Company. Staff reviewed the bids and recommends the award to Simon Contractors of SD, Inc. Motion was made by Olson and seconded to approve the bid award for the Lots Paving (Friendship House) Project No. ST07-1649 to the lowest responsible bidder meeting specifications, Simon Contractors of SD, Inc. for the low unit prices bid, for a total contract amount of \$56,384.30. Motion carried.

The following companies submitted bids for (No. CC042108-02), 2008 Pavement Marking Contract Project No. PM08-1705 / CIP No. 50593 opened April 15, 2008: Dakota Traffic Services, LLC and Highway Technologies, Inc. Staff reviewed the bids and recommends the award to Dakota Traffic Services, LLC. Motion was made by Johnson and seconded to approve the bid award for the 2008 Pavement Marking Contract Project No. PM08-1705 to the lowest responsible bidder meeting specifications, Dakota Traffic Services, LLC for the low unit prices bid, for a total contract amount of \$32,106.54. Motion carried.

The following companies submitted bids for (No. CC042108-02), Dover Lane Water Main Reconstruction Project No. W08-1707 / CIP No. 50704 opened April 15, 2008: Grizzly Excavation, Inc., Schad Excavation, LLC, Quinn Construction, Inc., Highmark, Inc., Hills Materials Company, Warax Excavating, Inc., Mainline Contracting, Inc., and R. C. S. Construction, Inc. Staff reviewed the bids and recommends the award to Schad Excavation. Motion was made by Johnson and seconded to approve the bid award for the Dover Lane Water Main Reconstruction Project No. W08-1707 to the lowest responsible bidder meeting specifications, Schad Excavation for the low unit prices bid, for a total contract amount of \$28,441.90. Motion carried.

The following companies submitted bids for (No. CC042108-02), Rapid City Bus Storage Facility, Phase 2 Project No. IDP07-1637 opened April 17, 2008: SECO Construction and Heavy Constructors dba Gustafson Builders. Staff recommendation is to refer the bid award to the April 29, 2008 Public Works Committee meeting; whereupon Hadcock moved, seconded and carried to approve.

Motion was made by Hadcock and seconded to (No. CC040708-02), approve the bid award for the Digital Video Recorder System (including monitor, server, antenna, and all necessary components) for the Police Department to the lowest responsible bidder meeting specifications, L-3 Communications Mobile-Vision, Inc., for the low unit prices bid for a total contract amount of \$160,308. Motion carried.

COUNCIL ITEMS & LIAISON REPORTS

(Information only) Responding to a request from Alderman Hurlbut about a report/analysis of downstream flood impact modeling from theoretically possible Canyon Lake spillway failure scenarios, it is indicated that the National Weather Service and Army Corp of Engineers can provide a downstream modeling for the inundation area for full breach at an estimated cost of \$30,000 - \$40,000. In staff's review of existing information on lake water levels and dam breaches, it is believed that waters would stay within the greenway, if the dam were breached.

Motion was made by LaCroix and seconded to (No. PW041508-18), authorize staff to seek proposals for Canyon Lake Dam Restoration. Possible funding sources for this project were outlined as federal grants; state grants; state and federal loans, which would require the City to identify a funding source to repay the loans and that funding could possibly be 2012 funds; enterprise fund; and General Fund. It is indicated that the consultant will be charged with the task of investigating and identifying possible funding source. Motion carried.

Motion was made by Olson and seconded to approve the award of the informal quote for Canyon Lake Dam Repairs Project - Phase 1 Project No. PW08-1718 to the lowest responsible bidder meeting specifications, Quinn Construction, Inc. for the low unit prices bid for a total contract amount of \$14,750. Motion carried with Johnson voting NO.

Motion was made by Kooiker and seconded to refer the Civic Center traffic, parking, and handicapped access management issues to the April 29, 2008 Public Works Committee meeting. Motion carried.

(Information only) Alderman Chapman gave a brief update on the conference that is coming to Rapid City through the National League of Cities in conjunction with the South Dakota Municipal League. This conference is scheduled for June 29 – 30, and July 1, 2008. Conference attendees will go to the lighting ceremony at Mount Rushmore; there will be a Presidential debate with the four most impersonators of Presidents Washington, Jefferson, Lincoln and Roosevelt; there will be a strategy planning session for local government leaders; a reception in downtown Rapid City hosted by Prairie Edge; and a tour of Rapid City's 2012 projects. Chapman encouraged the City Council and interested City employees to attend.

(Information only) On behalf of the Mayor's Committee on Disabilities, Alderman Hadcock extended their appreciation to Rapid Transit System Manager Rich Sagen and RTS staff on the upgrades on public transportation and awareness of accessibility needs of the community; and the relocating of a number of bus benches and shelters. The Committee also extends a resolution of support for the ADA upgrades for the Rushmore Plaza Civic Center Theater. Hadcock also reported RTS Manager Sagen's efforts in assisting with the Wheelchair Basketball event scheduled September 13, 2008 at 7:00 p.m. at West Community Center. Another scheduled event is the ADA Picnic, July 25, 2008 at 1:30 p.m. at Canyon Lake Park

PUBLIC HEARING ITEMS – Items 98 – 131

Motion was made by Kooiker and seconded to open the public hearing on items 98 – 131. Motion carried. Jami and James Carpenter, Rapid City addressed item #128 (08TI002), asking that the issue be continued for two weeks.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 98 - 111

Motion was made by Hadcock and seconded to approve the following items as they appear on the Continued Public Hearing Consent Items. Motion carried.

Continue the following items until May 5, 2008:

98. No. 06PL090 - A request by Dream Design International for a **Preliminary Plat** on Lots 1 thru 5 of Block 1, Lots 1 thru 10 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 and 26 of Block 6, Lot 1 of Block 7, Lots 1 and 36 thru 41 of Block 8, Lots 1 thru 11 of Block 9, Lots 1 thru 13 of Block 10, Lots 1 thru 30 of Block 11 and Lot A and Lots 1 thru 23 of Block 12 and Dedicated Right-of-Way, Elks Meadows Subdivision, located in the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, located east of the intersection of Elk Vale Road and Old Folsom Road.
99. 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.
100. 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.
101. No. 07PL152 - A request by Sperlich Consulting for Ron Shape for a **Preliminary Plat** on Lots 1 through 6 of Block 1, Lots 1 through 8 of Block 2, Lots 1 through 8 of Block 3, Lots 1 through 8 of Block 4, Lot 1 of Block 5, Lot 1 of Block 6, and Lot 1 of Block 7, Homestead Subdivision, located in the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NE1/4 of Section 3, located in the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the eastern terminus of Homestead Street and west of Reservoir Road.
102. No. 07PL164 - A request by Arleth & Associates for a **Preliminary Plat** on Lot 2 of the Trijowinn Subdivision, located in the NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the Plat of the Days Inn Tract and Burger King Tract a replat of Lot 2 of the Trijowinn Subdivision, located in the NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 719 Jackson Boulevard.
103. No. 07RD007 - A request by Dream Design International for a **Road Name Change from Sammis Trail to Moon Meadows Drive** on the S1/2 NW1/4, S1/2 NE1/4, N1/2 SW1/4,

N1/2 SE1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of South Highway16 and south of Sammis Trail.

104. No. 07VR005 - A request by Dream Design International, Inc. for a **Vacation of Right-of-way** on the portion of the unplatted balance lying between Lancer Drive and Elk Vale Road of the SE1/4 less Lot H1, less Lots H3 and H4 of the W1/2 SE1/4 and less Lots H3, H4 and H5 of the E1/2 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Lancer Drive and Elk Vale Road.
105. No. 08PL011 - A request by FMG, Inc. for TLC Investments, Inc. for a **Preliminary Plat** on Lots 1 and 2 of TLC Subdivision and the dedicated public Right-of-way shown as Less Hollers Way all located in the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of the SE1/4 NE1/4 of Section 27, T1N, R7E, BHM, less Connector Subdivision and less Lot H1, located in the NE1/4 Section 27, T1N, R7E, BHM, located west of S. D. Highway 16 and south of Catron Boulevard.
106. No. 08PL030 - A request by Dream Design International Inc. for a **Preliminary Plat** on Lots 1-8 of Block 1 and 2; Lots 1-33 of Block 3; Tracts A, B, C and D of Block 4; and the Drainage Lot 1, Homestead Plaza Subdivision, located in the S1/2 NW1/4 and in the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Timmons Boulevard, south of Neel Street and west of Big Sky Drive.
107. No. 08SV006 - A request by FMG, Inc. for TLC Investments, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Catron Boulevard, to waive the requirement to install curb, gutter, sidewalk, water and street light conduit along S.D. Highway 16 Service Road and a variance to waive the requirement to provide sewer service to the property as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of TLC Subdivision and the dedicated public Right-of-way shown as Less Hollers Way all located in the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of the SE1/4 NE1/4 of Section 27, T1N, R7E, BHM, less Connector Subdivision and less Lot H1, located in the NE1/4 Section 27, T1N, R7E, BHM, located west of S. D. Highway 16 and south of Catron Boulevard.
108. No. 08SV007 - A request by Craig and Tamara Mestad for a **Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Sammis Trail and Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A, B C and D of Tract 20 of Highview Subdivision, located in the SE1/4 NE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 20 of Highview Subdivision, NE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1445 Sammis Trail.

109. No. 08SV014 - A request by Dream Design International Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Sweetbriar Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1-8 of Block 1 and 2; Lots 1-33 of Block 3; Tracts A, B, C and D of Block 4; and the Drainage Lot 1, Homestead Plaza Subdivision, located in the S1/2 NW1/4 and in the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Timmons Boulevard, south of Neel Street and west of Big Sky Drive.

Continue the following items until May 19, 2008:

110. No. 05VR014 - A request by Sperlich Consulting, Inc. for Doeck, LLC for a **Vacation of Section Line Highway** on that portion of the statutory Section Line Right-of-Way lying in the NE1/4, SE1/4, Section 13, T2N, R7E, and that portion of the statutory Section Line Right-of-Way, lying in Tract 5, Sletten Addition, located in the NW1/4, SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the north to east curve of West Nike Road.
111. No. 08PL025 - A request by Sperlich Consulting, Inc. for Triple Z Real Estate Development for a **Preliminary Plat** on Lots 12A and 12B of Block 10 of Elks Country Estates, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 12R of Block 10 of Elks Country Estates, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3522 Sawgrass Court.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Okrepkie and seconded to close the public hearing on items 98 – 131. Motion carried.

CONSENT PUBLIC HEARING ITEMS – Item 112 - 117

The following item was removed from the Consent Public Hearing Items:

112. Laural A. Hawkins dba **RAXX Billiards**, 2310 N. Maple Avenue for a Retail (On-Off Sale) Malt Beverage License NO Video Lottery (*continued at 11/19/2007; 12/17/2007, 2/4/08, 2/19/08, 3/17/08, 4/7/08 Council meetings*)

Motion was made by Okrepkie and seconded to approve the Consent Public Hearings Items. Motion carried.

ALCOHOL LICENSES

113. **Rapid City Area Chamber of Commerce** for a Special Event Beer and Wine License for an event scheduled May 13, 2008 at the Community Transitions, 803 Soo San Drive
114. **Rushmore German Club** for a Special Event Beer License for an event scheduled August 15 – 23, 2008 at the Central States Fair, 800 San Francisco Street

- 115. Carol Enterprises, Inc. dba **Don's Valley Express #2**, 3343 N. Haines Avenue for a Package (Off-Sale) Liquor License
- 116. Jim DeForrest dba **Black Hills Coffee Company**, 5955 South Hwy 16, Suite G for a Retail (On-Sale) Wine License
- 117. Jim DeForrest dba **Black Hills Coffee Company**, 5955 South Hwy 16, Suite G for a Retail (On-Off Sale) Malt Beverage License (NOT ELIGIBLE FOR VIDEO LOTTERY)

END OF CONSENT PUBLIC HEARING CALENDAR

Motion was made by Hadcock and seconded to table Laural A. Hawkins dba **RAXX Billiards**, 2310 N. Maple Avenue for a Retail (On-Off Sale) Malt Beverage License NO Video Lottery. City Attorney Green advised the members that the Council must approve, deny or continue this item. With the consent of the Council, Alderman Hadcock withdrew the motion.

Motion was made by Hadcock and seconded to continue Laural A. Hawkins dba **RAXX Billiards**, 2310 N. Maple Avenue for a Retail (On-Off Sale) Malt Beverage License NO Video Lottery to the May 5, 2008 Council meeting.

Substitute motion was made by Okrepkie and seconded to continue Laural A. Hawkins dba **RAXX Billiards**, 2310 N. Maple Avenue for a Retail (On-Off Sale) Malt Beverage License NO Video Lottery to the May 19, 2008 Council meeting. Motion carried.

NON-CONSENT PUBLIC HEARING ITEMS – Items 118 – 131

The Mayor presented No. 07CA062, a request by Dream Design International, Inc. for Signature Homes, LLC for an **Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a minor arterial street** on Sections 18 and Section 19, T2N, R8E, BHM, Pennington County, South Dakota, located on the proposed LaCrosse Street north of Seger 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 21st day of April 2008, 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 revise the Major Street Plan by relocating a minor arterial street, on Sections 18 and Section 19, T2N, R8E, BHM, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be amended to revise the Major Street Plan by relocating a minor arterial street, on Sections 18

and Section 19, T2N, R8E, BHM, Pennington County, South Dakota as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 21st day of April, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

The motion for the adoption of the foregoing resolution was seconded. 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. 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. Motion was made by LaCroix and seconded to deny without prejudice at the applicant's request. Motion carried.

Motion was made by LaCroix and seconded to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter and sidewalk along Elk Vale Road as it abuts Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Elk Vale Road and Homestead Street. (07SV073) Motion carried.

The Mayor presented No. 07SV073, a request by Fisk Land Surveying & Consulting Engineers, Inc. for Todd Christoffer of First National Bank for a **Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet within the shared access easement; and to reduce the shared access easement from 59 feet to 30 feet; to waive the requirement to install sidewalk, street light conduit, sewer, water within the shared access easement; to waive the requirement to install sidewalks, curb, gutter along Elk Vale Road; to waive the requirement to install sidewalks along Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Elk Vale Road and Homestead Street. Motion was made by LaCroix, seconded and carried to waive the requirement to install sidewalk, street light conduit, sewer, water within the shared access easement; to waive the requirement to install sidewalks, curb, gutter along Elk Vale Road with the following stipulations: 1. That the applicant enter a Waiver of Right to protest any future assessment. That the

Variance to the Subdivision Regulations to waive the requirement to install sidewalks along Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations: 1. That the sidewalks be installed on one side of Homestead Street. That the Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet within the shared access easement and to reduce the shared access easement from 59 feet to 30 feet be denied.

The Mayor presented No. 08CA001, a request by Dream Design International, Inc. for Signature Homes, LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential District with a Planned Residential Development to Medium Density Residential District with a Planned Residential Development** on a portion of Government Lot 4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning. Thence, first course: N00°07'57"E, a distance of 607.71 feet; Thence, second course: S89°45'23"E, a distance of 348.37 feet; Thence, third course: S45°18'29"E, a distance of 148.27 feet; Thence, fourth course: S41°57'10"E, a distance of 97.30 feet; Thence, fifth course: S60°00'17"E, a distance of 82.33 feet; Thence, sixth course: S74°07'50"E, a distance of 100.83 feet; Thence, seventh course: S89°41'41"E, a distance of 89.82 feet; Thence, eighth course: N85°07'42"E, a distance of 72.62 feet; Thence, ninth course: N74°29'46"E, a distance of 101.06 feet; Thence, tenth course: N56°32'29"E, a distance of 93.59 feet; Thence, eleventh course: S59°22'45"E, a distance of 105.77 feet; Thence, twelfth course: S89°45'23"E, a distance of 54.68 feet; Thence, thirteenth course: S00°14'37"W, a distance of 117.37 feet; Thence, fourteenth course: S89°45'23"E, a distance of 100.00 feet; Thence, fifteenth course: S00°14'37"W, a distance of 40.61 feet; Thence, sixteenth course: S89°37'07"E, a distance of 20.52 feet, to the northwesterly corner of Lot 1 of Mailloux Subdivision in Lot B in the SE ¼ of the SW ¼ of Section 18, T2N, R8E, BHM; Thence, seventeenth course: S00°23'45"W, along the westerly boundary of said Lot 1, a distance of 208.56 feet, to the southwesterly corner of said Lot 1; Thence, eighteenth course: S00°23'45"W, a distance of 33.00 feet, to a point on the section line common to Sections 18, and 19; Thence, nineteenth course: N89°35'54"W, along the section line common to Sections 18, and 19, a distance of 1290.05 feet, to the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning, located north of Country Road, east of Cobalt Avenue and west of 143rd Street. 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 7th day of April, 2008, 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 Low Density Residential District with a Planned Residential Development to Medium Density Residential District with a Planned Residential Development, on a portion of Government Lot 4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota,

more fully described as follows: Commencing at the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning. Thence, first course: N00°07'57"E, a distance of 607.71 feet; Thence, second course: S89°45'23"E, a distance of 348.37 feet; Thence, third course: S45°18'29"E, a distance of 148.27 feet; Thence, fourth course: S41°57'10"E, a distance of 97.30 feet; Thence, fifth course: S60°00'17"E, a distance of 82.33 feet; Thence, sixth course: S74°07'50"E, a distance of 100.83 feet; Thence, seventh course: S89°41'41"E, a distance of 89.82 feet; Thence, eighth course: N85°07'42"E, a distance of 72.62 feet; Thence, ninth course: N74°29'46"E, a distance of 101.06 feet; Thence, tenth course: N56°32'29"E, a distance of 93.59 feet; Thence, eleventh course: S59°22'45"E, a distance of 105.77 feet; Thence, twelfth course: S89°45'23"E, a distance of 54.68 feet; Thence, thirteenth course: S00°14'37"W, a distance of 117.37 feet; Thence, fourteenth course: S89°45'23"E, a distance of 100.00 feet; Thence, fifteenth course: S00°14'37"W, a distance of 40.61 feet; Thence, sixteenth course: S89°37'07"E, a distance of 20.52 feet, to the northwesterly corner of Lot 1 of Mailloux Subdivision in Lot B in the SE ¼ of the SW ¼ of Section 18, T2N, R8E, BHM; Thence, seventeenth course: S00°23'45"W, along the westerly boundary of said Lot 1, a distance of 208.56 feet, to the southwesterly corner of said Lot 1; Thence, eighteenth course: S00°23'45"W, a distance of 33.00 feet, to a point on the section line common to Sections 18, and 19; Thence, nineteenth course: N89°35'54"W, along the section line common to Sections 18, and 19, a distance of 1290.05 feet, to the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be amended to change the land use designation from Low Density Residential District with a Planned Residential Development to Medium Density Residential District with a Planned Residential Development, on a portion of Government Lot 4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning. Thence, first course: N00°07'57"E, a distance of 607.71 feet; Thence, second course: S89°45'23"E, a distance of 348.37 feet; Thence, third course: S45°18'29"E, a distance of 148.27 feet; Thence, fourth course: S41°57'10"E, a distance of 97.30 feet; Thence, fifth course: S60°00'17"E, a distance of 82.33 feet; Thence, sixth course: S74°07'50"E, a distance of 100.83 feet; Thence, seventh course: S89°41'41"E, a distance of 89.82 feet; Thence, eighth course: N85°07'42"E, a distance of 72.62 feet; Thence, ninth course: N74°29'46"E, a distance of 101.06 feet; Thence, tenth course: N56°32'29"E, a distance of 93.59 feet; Thence, eleventh course: S59°22'45"E, a distance of 105.77 feet; Thence, twelfth course: S89°45'23"E, a distance of 54.68 feet; Thence, thirteenth course: S00°14'37"W, a distance of 117.37 feet; Thence, fourteenth course: S89°45'23"E, a distance of 100.00 feet; Thence, fifteenth course: S00°14'37"W, a distance of 40.61 feet; Thence, sixteenth course: S89°37'07"E, a distance of 20.52 feet, to the northwesterly corner of Lot 1 of Mailloux Subdivision in Lot B in the SE ¼ of the SW ¼ of Section 18, T2N, R8E, BHM; Thence, seventeenth course: S00°23'45"W, along the westerly boundary of said Lot 1, a distance of 208.56 feet, to the southwesterly corner of said Lot 1; Thence, eighteenth course: S00°23'45"W, a distance of 33.00 feet, to a point on the section line common to Sections 18, and 19; Thence, nineteenth course: N89°35'54"W, along the section line common to Sections 18, and 19, a distance of 1290.05 feet, to the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 21st day of April, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

The motion for the adoption of the foregoing resolution was seconded. 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. 08CA002, a request by Dream Design International, Inc. for Signature Homes, LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential with a Planned Residential Development** on a portion of the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 17, 18, 19, and 20, Thence N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 333.22 feet, to the point of beginning; Thence, first course: N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 1678.81 feet; Thence, second course: N00°22'46"E, a distance of 33.00 feet, to the southeasterly corner of Lot A of the SW1/4 of the SE1/4 of Section 18, T2N, R8E, BHM; Thence, third course: N00°25'46"E, along the easterly boundary of said Lot A, a distance of 208.20 feet, to the northeasterly corner of said Lot A; Thence, fourth course: S89°34'30"E, a distance of 199.01 feet; Thence, fifth course: N00°14'37"E, a distance of 610.83 feet; Thence, sixth course: S89°45'23"E, a distance of 234.88 feet; Thence, seventh course: S39°45'06"E, a distance of 91.40 feet; Thence, eighth course: S74°45'23"E, a distance of 71.54 feet; Thence, ninth course: N50°14'54"E, a distance of 78.96 feet; Thence, tenth course: S39°45'06"E, a distance of 14.60 feet; Thence, eleventh course: curving to the right, on a curve with a radius of 224.00 feet, a delta angle of 23°40'06", a length of 92.53 feet, a chord bearing of S27°55'03"E, and chord distance of 91.88 feet; Thence, twelfth course: N73°55'00"E, a distance of 208.37 feet; Thence, thirteenth course: N39°45'06"W, a distance of 712.01 feet, to a point on the section 1/16th line; Thence, fourteenth course: S89°33'44"E, along the section 1/16th line, a distance of 1256.40 feet; Thence, fifteenth course: S00°02'35"W, a distance of 975.25 feet, to the northwesterly corner of Lot 1 of North Haines Subdivision; Thence, sixteenth course: S00°02'34"W, along the westerly boundary of said Lot 1, a distance of 299.94 feet, to the southwesterly corner of said Lot 1; Thence, seventeenth course: S00°22'46"W, a distance of 50.01 feet, to a point on the section line common to Sections 18 and 19 and the point of beginning, located north of Country Road, east of Cobalt Avenue and west of 143rd. 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 7th day of April, 2008, 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 Low Density Residential to Medium Density Residential with a Planned Residential Development, on a portion of the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 17, 18, 19, and 20, Thence N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 333.22 feet, to the point of beginning; Thence, first course: N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 1678.81 feet; Thence, second course: N00°22'46"E, a distance of 33.00 feet, to the southeasterly corner of Lot A of the SW1/4 of the SE1/4 of Section 18, T2N, R8E, BHM; Thence, third course: N00°25'46"E, along the easterly boundary of said Lot A, a distance of 208.20 feet, to the northeasterly corner of said Lot A; Thence, fourth course: S89°34'30"E, a distance of 199.01 feet; Thence, fifth course: N00°14'37"E, a distance of 610.83 feet; Thence, sixth course: S89°45'23"E, a distance of 234.88 feet; Thence, seventh course: S39°45'06"E, a distance of 91.40 feet; Thence, eighth course: S74°45'23"E, a distance of 71.54 feet; Thence, ninth course: N50°14'54"E, a distance of 78.96 feet; Thence, tenth course: S39°45'06"E, a distance of 14.60 feet; Thence, eleventh course: curving to the right, on a curve with a radius of 224.00 feet, a delta angle of 23°40'06", a length of 92.53 feet, a chord bearing of S27°55'03"E, and chord distance of 91.88 feet; Thence, twelfth course: N73°55'00"E, a distance of 208.37 feet; Thence, thirteenth course: N39°45'06"W, a distance of 712.01 feet, to a point on the section 1/16th line; Thence, fourteenth course: S89°33'44"E, along the section 1/16th line, a distance of 1256.40 feet; Thence, fifteenth course: S00°02'35"W, a distance of 975.25 feet, to the northwesterly corner of Lot 1 of North Haines Subdivision; Thence, sixteenth course: S00°02'34"W, along the westerly boundary of said Lot 1, a distance of 299.94 feet, to the southwesterly corner of said Lot 1; Thence, seventeenth course: S00°22'46"W, a distance of 50.01 feet, to a point on the section line common to Sections 18 and 19 and the point of beginning; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Adopted Comprehensive Plan be amended to change the land use designation from Low Density Residential to Medium Density Residential with a Planned Residential Development, on a portion of the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 17, 18, 19, and 20, Thence N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 333.22 feet, to the point of beginning; Thence, first course: N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 1678.81 feet; Thence, second course: N00°22'46"E, a distance of 33.00 feet, to the southeasterly corner of Lot A of the SW1/4 of the SE1/4 of Section 18, T2N, R8E, BHM; Thence, third course: N00°25'46"E, along the easterly boundary of said Lot A, a distance of 208.20 feet, to the northeasterly corner of said Lot A; Thence, fourth course: S89°34'30"E, a distance of 199.01 feet; Thence, fifth course: N00°14'37"E, a distance of 610.83 feet; Thence, sixth course: S89°45'23"E, a distance of 234.88 feet; Thence, seventh course: S39°45'06"E, a distance of 91.40 feet; Thence, eighth course: S74°45'23"E, a distance of 71.54 feet; Thence, ninth course: N50°14'54"E, a distance of 78.96 feet; Thence, tenth course: S39°45'06"E, a

distance of 14.60 feet; Thence, eleventh course: curving to the right, on a curve with a radius of 224.00 feet, a delta angle of 23°40'06", a length of 92.53 feet, a chord bearing of S27°55'03"E, and chord distance of 91.88 feet; Thence, twelfth course: N73°55'00"E, a distance of 208.37 feet; Thence, thirteenth course: N39°45'06"W, a distance of 712.01 feet, to a point on the section 1/16th line; Thence, fourteenth course: S89°33'44"E, along the section 1/16th line, a distance of 1256.40 feet; Thence, fifteenth course: S00°02'35"W, a distance of 975.25 feet, to the northwesterly corner of Lot 1 of North Haines Subdivision; Thence, sixteenth course: S00°02'34"W, along the westerly boundary of said Lot 1, a distance of 299.94 feet, to the southwest corner of said Lot 1; Thence, seventeenth course: S00°22'46"W, a distance of 50.01 feet, to a point on the section line common to Sections 18 and 19 and the point of beginning as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 21st day of April, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

The motion for the adoption of the foregoing resolution was seconded. 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. 08SV012, a request by Fisk Land Surveying & Consulting Engineers for Harley Taylor for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Carriage Hills Drive and Elysian Court and to reduce the pavement width from 40 feet to 27 feet along Carriage Hills Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 10 of Elysian Heights Subdivision and dedicated Right-of-way, located in the N1/2 SW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the N½ SW¼, Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N½ SW¼, Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), said point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision, S00 00'48"E, a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3 of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision, S00 03'36"W, a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence,

southwesterly along the northwesterly line of said Lot 11 of Block 3 of Wildwood Subdivision, S32 53'42"W, a distance of 67.03 feet more or less, to the westerly corner of said Lot 11, Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12, Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 12 of Block 3 of Wildwood Subdivision, S32 58'25"W, a distance of 65.94 feet more or less, to the northwest corner of said Lot 12, Block 3, of Wildwood Subdivision, said point being coincident with the north corner of Lot 13R of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence, S90 00'00"W, a distance of 704.97 feet more or less; thence, North, a distance of 747.30 feet more or less; thence, N69 00'53"W, a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of 2 26'04", an arc length of 20.92 feet more or less, and a chord bearing of S25 13'48"W, and a chord distance of 20.91 feet, more or less; thence, N63 33'10"W, a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of 9 44'59", an arc length of 66.75 feet more or less, and a chord bearing of N21 34'20"E, and a chord distance of 66.67 feet, more or less; thence, S83 00'00"W, a distance of 363.67 feet more or less; thence, S04 41'43"E, a distance of 202.00 feet more or less; thence, S35 35'41"W, a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence, S89 47'34"W, a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line, N00 12'26"W, a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the south line of said Lot 9 of Block 5 of Westview Estates and along the south line of Lot 1 of Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177), N89 47'51"E, a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates, N89 46'54"E, a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates and along the south line of Carriage Hills Drive right-of-way, N89 51'26"E, a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89 50'31"E, a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89 48'02"E, a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 52'45"E, a distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 46'22"E, a distance of 165.37 feet more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence,

continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89 48'13"E, a distance of 134.59 feet more or less, to the southeast corner of said Lot 26R of Block 3 of Westview Estates, said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates, and said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot R of Block 3 of Westview Estates, N89 48'06"E, a distance of 130.02 feet more or less, to the point of beginning, located at the southern terminus of Carriage Hills. Motion was made by LaCroix, seconded and carried to approve the Variance.

The Mayor presented No. 08SV013, a request by Sperlich Consulting for TK Engessor Investments LLC for a **Variance to the Subdivision Regulations to waive curb, gutter, sidewalk, asphalt, street light conduit, sewer and water along Dunn Road and Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 5, Engessor Subdivision, Rapid City, Pennington County, South Dakota, legally described as the E1/2 SE1/4, less Lot H1 of the NE1/2 SE1/4, less Lot A of the NE1/4 SE1/4, less Lot PE1 of the NE1/4 SE1/4 and less a portion of a South Dakota owned Railroad Right-of-Way, all in Section 24, T1N, R8E, BHM, located in the E1/2 SE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota, located south of Dunn Road and west of Radar Hill Road. Motion was made by LaCroix, seconded and carried to deny without prejudice at the applicant's request.

Motion was made by LaCroix and seconded to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of sidewalk and additional pavement along Jolly Lane as it abuts a portion of Tract A of F&N Subdivision and Tract B of Neff's Subdivision No. 4, NW1/4 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the Jolly Lane terminus, east of Elk Vale Road. (08SV015) Aldermen Olson, Kooiker and Weifenbach indicated their concerns with waiving sidewalk requirements. It is indicated that this waiver is associated with a plat document to expand the boundaries of the emergency foster care facility at the northern terminus of Jolly Lane. A stipulation of the variance is that the applicant sign a waiver of right to protest and that the applicant construct sidewalk along one side of the cul-de-sac. The Council approved a plat on property directly west of this site and that applicant is required to construct sidewalk on their side of Jolly Lane. At the end of these two projects there will be, at a minimum, sidewalk along the cul-de-sac on Jolly Lane. Upon a roll call vote on the motion to approve, the following voted AYE: Hadcock, Hurlbut, Chapman, Kroeger, LaCroix, and Johnson; NO: Okrepkie, Weifenbach, Olson, and Kooiker. Motion carried.

The Mayor presented No. 08SV015, a request by Dream Design International Inc. for a **Variance to the Subdivision Regulations to install sidewalk and additional pavement along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code** on Tract BR, Neff's Subdivision No.4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A of F&N Subdivision and Tract B of Neff's Subdivision No. 4, NW1/4 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the Jolly Lane terminus, east of Elk Vale Road. Motion was made by LaCroix, seconded and carried to approve the Variance to the Subdivision Regulations to install sidewalk and additional pavement along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code with the following stipulations: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and, 2. A sidewalk shall be provided along the east side of Jolly Lane as it abuts the property.

The Mayor presented No. 08TI002, a request by Sperlich Consulting, Inc. for Doeck, LLC for a **Tax Increment District Project Plan** on the SE1/4NE1/4 and the W1/2SE1/4, Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The S1/2S1/2W1/2SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 of Block 1, Lots 1, 2, 6 and 7 of Block 2, Lots 1 through 20 of Block 3 and Roberta Street right-of-way adjacent to said lots, Earleen Street right-of-way, Kateland Street right-of-way, all located in Kateland Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 of Block 5 and Lot 11 of Block 4, Kateland Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 through 17 of Block 1, Lot 1 and Lot 22 of Block 3, Lot 1 and Lot 24 of Block 4, Lot 1 and Lot 24 of Block 5, Lot 1 and 24 of Block 6, Lot 1 of Block 7, Bengal Drive right-of-way adjacent to said lots, all located in Mall Ridge Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The unplatted portion of the SW1/4SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 7 through 16 of Block 2 and Titan Drive right-of-way adjacent to said lots, Lots 1 through 6 of Block 3, Lots 1 through 3 of Block 6 and Three Rivers Drive right-of-way adjacent to said lots, Lots 1, 2, 3A, 4A, 5, 6, and 7 of Block 7, Lots 1 through 14 of Block 8 and Bengal Drive right-of-way adjacent to said lots, Lots 18 through 22 of Block 8, all located in Northbrook Village Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Country Road right-of-way located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot DE of Tract 5 of Sletten Addition, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4 less Lot A and less Lot 1 of Hubbard Subdivision, Section 24, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4NE1/4 of Section 23, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east and west of Haines Avenue and north and south of Country Road. The following resolution was introduced, read, and Hadcock moved its adoption:

RESOLUTION APPROVING THE PROJECT PLAN FOR BROOKFIELD TAX INCREMENT DISTRICT NUMBER SIXTY SEVEN AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and

WHEREAS the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and

WHEREAS there has been established Brookfield Tax Increment District Number Sixty-Seven; and

WHEREAS the Council deems desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and

WHEREAS the Tax Increment District includes commercially zoned property thereby forming an economic development Tax Increment District; and

WHEREAS the Project Plan submitted helps make this development feasible by assisting in the development of Brookfield Subdivision through the development of drainage improvements; and

WHEREAS the Project Plan submitted will assist with the construction of box culverts, grading and oversizing costs for water and sewer extensions; and

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

WHEREAS there has been developed a Project Plan for this Tax Increment District which proposes these improvements; and

WHEREAS the Council has considered the Project Plan submitted by the Planning Commission and determined that the Project Plan for Brookfield Tax Increment District Number Sixty-Seven is economically feasible; and

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

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

Dated this 21st day of April, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

The motion for the adoption of the foregoing resolution was seconded.

Substitute motion was made by Olson and seconded to continue this item to the May 5, 2008 Council meeting. Jami Carpenter, Rapid City asked for the continuation. Alderman Kooiker asked for the disclosure of the members of Doeck, LLC. Upon a roll call vote on the motion to continue, the following voted AYE: Hurlbut, Okrepkie, Chapman, Olson, and Kooiker; NO: Weifenbach, Kroeger, LaCroix, Johnson, and Hadcock. The Chair declared the motion failed.

Three options were outlined for the Council, the first being the request of the Planning Commission; the second is to have the developer pay all the costs and reallocate \$31,000 from the Necessary and Convenient Costs to the Capital Costs; the third option is the same as the second option, with the exception of \$300,000 being added to the Project Plan based on the information provided by James and Jami Carpenter. The \$300,000 is included in the Necessary and Convenient Costs. Staff recommendation is option number three.

A motion to amend was made by Kooiker and seconded to include Option No. 3 in the Project Plan. It is indicated that the developer has agreed to include eight lots for affordable housing in the first phase of the project; as well as eight lots in the second phase. Motion carried.

It is indicated that the TIF includes the full amount of a culvert. Alderman Kooiker indicated his concern, asking the Council to correct this situation because he did not believe the City should be paying the full cost of the culvert.

Upon a vote being taken on the motion as amended, the following voted AYE: Okrepkie, Chapman, Weifenbach, Kroeger, LaCroix, Johnson, and Hadcock; NO: Olson, Kooiker, and Hurlbut; whereupon said resolution was declared duly passed and adopted.

The Mayor presented No. 08VR003, a request by FourFront Design, Inc. for Youth & Family Services, Inc. for a **Vacation of Right-of-way** on the Monroe Street Right-of-way on the north 14 feet of Monroe Street contiguous with Lot A of Block 12, Wise's Addition, located in the SE1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 410 East Monroe Street. The following resolution was introduced, read, and LaCroix moved its adoption:

RESOLUTION OF VACATION
OF RIGHT-OF-WAY

WHEREAS it appears that the Monroe Street Right-of-way on the north 14 feet of Monroe Street contiguous with Lot A of Block 12, Wise's Addition, located in the SE1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Clarkson Road and Spring Canyon Trail; is not needed for public purposes; and

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

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

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

Dated this 21st day of April, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

The motion for the adoption of the foregoing resolution was seconded. 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. 08RZ002, second reading of Ordinance No. 5367, 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 Signature Homes, LLC for a **Rezoning from Low Density Residential District to Medium Density Residential District** on a portion of Government Lot 4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning. Thence, first course: N00°07'57"E, a distance of 607.71 feet; Thence, second course: S89°45'23"E, a distance of 348.37 feet; Thence, third course: S45°18'29"E, a distance of 148.27 feet; Thence, fourth course: S41°57'10"E, a distance of 97.30 feet; Thence, fifth course: S60°00'17"E, a distance of 82.33 feet; Thence, sixth course: S74°07'50"E, a distance of 100.83 feet; Thence, seventh course: S89°41'41"E, a distance of 89.82 feet; Thence, eighth course: N85°07'42"E, a distance of 72.62 feet; Thence, ninth course: N74°29'46"E, a distance of 101.06 feet; Thence, tenth course: N56°32'29"E, a distance of 93.59 feet; Thence, eleventh course: S59°22'45"E, a distance of 105.77 feet; Thence, twelfth course: S89°45'23"E, a distance of 54.68 feet; Thence, thirteenth course: S00°14'37"W, a distance of 117.37 feet; Thence, fourteenth course: S89°45'23"E, a distance of 100.00 feet; Thence, fifteenth course: S00°14'37"W, a distance of 40.61 feet; Thence, sixteenth course: S89°37'07"E, a distance of 20.52 feet, to the northwesterly corner of Lot 1 of Mailloux Subdivision in Lot B in the SE ¼ of the SW ¼ of Section 18, T2N, R8E, BHM; Thence, seventeenth course: S00°23'45"W, along the westerly boundary of said Lot 1, a distance of 208.56 feet, to the southwesterly corner of said Lot 1; Thence, eighteenth course: S00°23'45"W, a distance of 33.00 feet, to a point on the section line common to Sections 18, and 19; Thence, nineteenth course: N89°35'54"W, along the section line common to Sections 18, and 19, a distance of 1290.05 feet, to the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning, located north of Country Road, east of Cobalt Avenue and west of 143rd Street. Notice of hearing was published in the Rapid City Journal on February 9, 2008 and February 16, 2008. Ordinance No. 5367 having had the first reading on February 4, 2008, motion was made by LaCroix and seconded 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. 5367 the second time.

The Mayor presented No. 08RZ003, second reading of Ordinance No. 5368, 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 Signature Homes, LLC for a **Rezoning from Low Density Residential District to Medium Density Residential District** on a portion of the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 17, 18, 19, and 20, Thence N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 333.22 feet, to the point of beginning; Thence, first course: N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 1678.81 feet; Thence, second course: N00°22'46"E, a distance of 33.00 feet, to the southeasterly corner of Lot A of the SW1/4 of the SE1/4 of Section 18, T2N, R8E, BHM; Thence, third course: N00°25'46"E, along the easterly boundary of said Lot A, a distance of 208.20 feet, to the northeasterly corner of said Lot A; Thence, fourth course: S89°34'30"E, a distance of 199.01 feet; Thence, fifth course: N00°14'37"E, a distance of 610.83 feet; Thence, sixth course: S89°45'23"E, a distance of 234.88 feet; Thence, seventh course: S39°45'06"E, a distance of 91.40 feet; Thence, eighth course: S74°45'23"E, a distance of 71.54 feet; Thence, ninth course: N50°14'54"E, a distance of 78.96 feet; Thence, tenth course: S39°45'06"E, a distance of 14.60 feet; Thence, eleventh course: curving to the right, on a curve with a radius of 224.00 feet, a delta angle of 23°40'06", a length of 92.53 feet, a chord bearing of S27°55'03"E,

and chord distance of 91.88 feet; Thence, twelfth course: N73°55'00"E, a distance of 208.37 feet; Thence, thirteenth course: N39°45'06"W, a distance of 712.01 feet, to a point on the section 1/16th line; Thence, fourteenth course: S89°33'44"E, along the section 1/16th line, a distance of 1256.40 feet; Thence, fifteenth course: S00°02'35"W, a distance of 975.25 feet, to the northwesterly corner of Lot 1 of North Haines Subdivision; Thence, sixteenth course: S00°02'34"W, along the westerly boundary of said Lot 1, a distance of 299.94 feet, to the southwesterly corner of said Lot 1; Thence, seventeenth course: S00°22'46"W, a distance of 50.01 feet, to a point on the section line common to Sections 18 and 19 and the point of beginning, located north of Country Road, east of Cobalt Avenue and west of 143rd. Notice of hearing was published in the Rapid City Journal on February 9, 2008 and February 16, 2008. Ordinance No. 5368 having had the first reading on February 4, 2008, motion was made by LaCroix and seconded 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. 5368 the second time.

BILLS

The following bills having been audited, motion was made by Okrepkie and seconded to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof. Motion carried.

Payroll Paid Ending 3-29-08, Paid 4-4-08	771,984.84
Payroll Paid Ending 3-29-08, Paid 4-4-08	2,969.60
Pioneer Bank, Taxes Paid 4-4-08	189,485.76
Pioneer Bank, Taxes Paid 4-4-08	214.91
South Dakota Retirement System, Paid 1-4-08	352,337.48
South Dakota Retirement System, Paid 2-7-08	361,895.52
South Dakota Retirement System, Paid 3-3-08	352,765.01
South Dakota Retirement System, Paid 4-2-08	352,902.65
South Dakota Retirement System, Paid 1-4-08	341.03
South Dakota Retirement System, Paid 2-7-08	356.36
South Dakota Retirement System, Paid 3-3-08	356.36
South Dakota Retirement System, Paid 4-2-08	356.36
South Dakota Dept of Revenue, Sales Tax Paid 3-20-08	24,658.29
South Dakota Dept of Revenue, Excise Tax Paid 3-20-08	149.43
South Dakota Dept of Revenue, Sale Tax Paid RPCC 3-20-08	63,546.90
First Administrators, Claims Paid 4-1-08	83,660.99
First Administrators, Claims Paid 4-8-08	55,528.10
First Administrators, Claims Paid 4-16-08	87,762.71
Berkley Risk Administrators, Claims Paid 4-3-08	47,456.44
1ST National Bank in Sioux Falls, SRF Loan	396,691.03
Black Hills Power & Light, electricity	20,706.26
West River Electric, electricity	15,772.11
Scull Construction Svc, Inc. IDP04-1367 Dahl Arts Center Expansion	46,178.00
Computer Bill List	<u>3,249,741.04</u>
Subtotal	\$6,477,817.18
Payroll Paid Ending 3-29-08, Paid 4-4-08	2,786.12

Pioneer Bank, Taxes Paid 4-4-08	197.02
South Dakota Retirement System, Paid 1-4-08	313.14
South Dakota Retirement System, Paid 2-7-08	320.94
South Dakota Retirement System, Paid 3-3-08	320.94
South Dakota Retirement System, Paid 4-2-08	320.94
City of Rapid City, postage	2.88
City of Rapid City, health insurance	1,294.50
Exposoft Solutions, Inc. conference registration	350.00
Knology, phone	28.24
Rapid City Journal, job advertisement	99.45
Standard Life, life insurance	7.00
Wright Express, gas	145.66
Subtotal	<u>\$6,484,004.01</u>
SD Governmental Finance Officers, conference registration	400.00
SD Governmental Human Resources, conference registration	210.00
Total	<u>\$6,484,614.01</u>

EXECUTIVE SESSION permitted by SDCL 1-25-2

Motion was made by LaCroix and seconded to go into Executive Session at 10:55 P.M. for the reasons permitted by SDCL 1-25-2. Motion carried. The Council came out of Executive Session at 11:07 P.M. with all members present.

STAFF DIRECTION

Motion was made by Johnson and seconded to authorize the Public Works Director to extend an offer to the candidate for the Drainage Engineer Position at Grade 22, Step G. Motion carried.

Motion was made by Johnson and seconded to authorize the City Attorney to extend a settlement offer for the Lemmon Avenue property in the amount of \$55,000; funding to be the CIP reserve balance; and authorize the Finance Officer to issue a check in that amount. Motion carried.

Motion was made by Johnson and seconded to direct the City Attorney to proceed in accordance with discussion in Executive Session on the Wildwood claim. Motion carried.

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 11:08 P.M.

ATTEST:

CITY OF RAPID CITY

Finance Office

Mayor

(SEAL)