

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

August 18, 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, August 18, 2008 at 7:00 P.M.

The following members were present: Mayor Alan Hanks and the following Alderpersons: Sam Kooiker, Karen Olson, Ron Kroeger, Deb Hadcock, Lloyd LaCroix, Pattie Martinson, Bill Okrepkie, and Malcom Chapman; and the following Alderpersons arrived during the course of the meeting: Bob Hurlbut; and the following were absent: Ron Weifenbach.

Staff members present included Assistant Finance Officer Pauline Sumption, City Attorney Jason Green, Growth Management Director Marcia Elkins, Public Works Director Robert Ellis, Fire Chief Mark Rohlifing, Police Chief Steve Allender, and Administrative Assistant Heidi Weaver.

**ADOPTION OF AGENDA**

Item Nos. 51 (08VE017) and 52 (08VE018) were removed from the agenda as they are duplicates. Motion was made by Chapman, seconded and carried to adopt the agenda as amended.

**APPROVE MINUTES**

Motion was made by Hadcock, seconded and carried to approve the minutes of August 4, 2008.

**AWARDS AND RECOGNITIONS**

Mayor Hanks presented the Veteran of the Month of August, 2008 to Mathew Bergendahl and recognized his efforts and dedication to the service of his country and community.

The Mayor presented Jerry Wright, Rapid City Solid Waste Division with a Certificate of Recognition acknowledging his 20 years of dedicated service. He also presented Daniel Washenberger, Rapid Transit System with a Certificate of Recognition acknowledging his 20 years of dedicated service.

Mayor Hanks presented (No. LF081308-02), the following Resolution to Name the Rapid City Bike Path "The Leonard "Swanny" Swanson Memorial Pathway"; whereupon Hadcock moved, seconded and carried to approve.

RESOLUTION TO NAME THE RAPID CITY BIKE PATH "THE LEONARD  
"SWANNY" SWANSON MEMORIAL PATHWAY"

WHEREAS, Leonard "Swanny" Swanson worked for the City from 1952 until his retirement in 1987, spending 34 years as the City's Public Works Director and as the City's Urban Renewal Director immediately following the 1972 flood; and

WHEREAS, the City of Rapid City experienced a tragic flood on June 9, 1972, which claimed the lives of 238 people and destroyed many homes and businesses; and

WHEREAS, immediately following the flood, Swanny took on the additional responsibility of Urban Renewal Director for the City and coordinated housing for several hundred families; and

WHEREAS, negotiating and purchasing flood-ravaged properties from people who had lost loved ones and businesses was a difficult and emotional duty for Swanny, but he undertook that duty with resolve and compassion; and

WHEREAS, Swanny and his staff surveyed and defined the floodplain to guide development in the future; and

WHEREAS, Swanny was passionate about preventing future loss of life and urged the City Council to protect the floodway from development; and

WHEREAS, Swanny was instrumental in leading the effort to maintain the floodway as open space and to create the recreational greenway that stretches from one end of the City to the other, including a pathway that is heavily used by the public for biking, jogging, and other recreational activities; and

WHEREAS, Swanny’s efforts to help the City recover from the damage caused by the 1972 flood were widely recognized, including: 1974, HUD recognized Swanny and the Urban Renewal Department with a special urban design concept award for the flood recovery program; 1975, the American Institute of Architects issued a special award to the City for excellence in designing the urban floodplain; 1983, Swanny received a Distinguished Service Award from the South Dakota State University alumni association for his leadership after the flood; and

WHEREAS, in 1996, Swanny once again stepped forward as Chairman of the “Survivors to Save the Floodway” group in a successful effort to defeat an initiated measure that would have allowed private development in the greenway floodplain; and

WHEREAS, Swanny passed away on April 16, 2008, but his vision and commitment to preserving the integrity of the floodway is a legacy that will benefit and protect the people of this community for generations to come; and

WHEREAS, the Rapid City Common Council finds that naming the pathway in honor of Swanny is fitting tribute to a man whose selfless work should always be remembered; and

WHEREAS, the Rapid City Common Council finds that it is in the best interest of the City of Rapid City that the pathway be named “The Leonard “Swanny” Swanson Memorial Pathway.”

NOW, THEREFORE, BE IT RESOLVED that the pathway through Rapid City is hereby named “The Leonard ‘Swanny’ Swanson Memorial Pathway.”

Dated this 18th day of August, 2008.

ATTEST:  
s/ Pauline Sumption  
Assistant Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks

(SEAL)

**NON-PUBLIC HEARING ITEMS** -- Items 4 - 58

Motion was made by Hadcock, seconded and carried to open public comment on Items 4 – 58. No comments were offered. Motion was made by Hadcock, seconded and carried to close public comment on Item 4 – 58.

**CONSENT ITEMS** – Items 4 - 47

Motion was made by Hadcock, seconded and carried to approve the following items as they appear on the consent Items.

***Public Works Committee Consent Items***

4. No. PW081208-04 – Request staff to bring forward an ordinance amendment relative to discharging sump pump into sanitary sewer system and bring forward to the next Legal and Finance Committee Meeting
5. No. PW081208-06 – Deny a request by Daniel Pahlke for reimbursement of sewer charges
6. Forward discussion on Master Planning for the Solid Waste Division to the Solid Waste Committee
7. No. PW081208-13 – Approve Change Order No. 3 for Holiday Inn, North Street, and Farlow Avenue Water Main Reconstruction Project No. W07-1631, CIP No. 50465 to RCS Construction, Inc. for an increase of \$4,079.80.
8. No. PW081208-01 – Authorize staff to Advertise for Bids for Magnesium Chloride
9. No. PW081208-02 – Authorize staff to Advertise for Bids for Road Salt – Sodium Chloride
10. No. PW081208-08 – Authorize staff to Advertise for Bids for Halley Park Electrical Installation Project No. PR08-600
11. No. PW081208-03 – Authorize Mayor and Finance Officer to sign Professional Services Agreement with West Plains Engineering, Inc. for Water Reclamation Facility Motor Control Center Replacement Project No. WRF08-1732 for an amount not to exceed \$29,030.00
12. No. PW081208-05 – Authorize Mayor and Finance Officer to sign an Agreement for Voluntary Right of Way Donation, a Written Offer and Negotiations Record, and a Right of Way Agreement, and to approve the related Quit Claim Deed, Permanent Utility Easement, and Temporary Construction Easement for the East Anamosa Street Extension Project No. ST04-1397 & EM 1648(01)
13. No. PW081208-07 – Authorize Mayor and Finance Officer to sign Amendment No. 2 to Agreement No. 713313 with the South Dakota Department of Transportation for the East Anamosa Street Extension Project No. ST04-1397, EM1648(01)
14. No. PW081208-10 – Authorize Mayor and Finance Officer to sign a Consulting Agreement with Wenck Associates, Inc. for a Landfill Gas Study Project No. SW008-1739, CIP No. 50737 for an amount not to exceed \$58,248.00
15. No. PW081208-11 – Authorize Mayor and Finance Officer to sign Professional Services Agreement with Burns & McDonnell Engineering Co., Inc. for City Water Treatment Plant Upgrades – Membrane Prepurchase & Jackson Springs Design Project No. W07-1689, CIP No. 50696 for an amount not to exceed \$1,745,552.00
16. No. PW081208-12 – Authorize Mayor and Finance Officer to sign Amendment No. 1 Final with Geiger Architecture for the renovation and improvements to 40,000 SF City Building at 800 East Centre Street (former Zig's Electric), Police Evidence/Traffic/Transit Building Improvements, PETT Project No IDP07-1367 for an amount not to exceed \$66,601.00
17. No. 08VE020 - Approve with stipulations, a request by Les Larson for Security First Bank to consider an application for a **Vacation of Access Easement** on Lot 3 of Autumn Hills Plaza Subdivision, located in the NW1/4 and the SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5430 Sheridan Lake Road

## RESOLUTION OF VACATION ACCESS AND UTILITY EASEMENT

WHEREAS the Rapid City Council held a public hearing on the 18<sup>th</sup> day of August, 2008 to consider the vacation of a portion of an Access and Utility Easement on Lot 3 of Autumn Hills Plaza Subdivision, located in the NW1/4 and the SW1/4, Section 22, T1N, R7E, BHM, Rapid City,

Pennington County, South Dakota, more generally described as being located at 5430 Sheridan Lake Road; and

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

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

Dated this 18th day of August, 2008.

ATTEST:  
s/ Pauline Sumption  
Assistant Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks

(SEAL)

- 18. No. 08VE021 - Approve with stipulations, a request by Les Larson for Security First Bank to consider an application for a **Vacation of a Utility and Minor Drainage Easement** on Lot 3 of Autumn Hills Plaza Subdivision, located in the NW1/4 and the SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5430 Sheridan Lake Road

RESOLUTION OF VACATION OF A PORTION OF A  
UTILITY AND MINOR DRAINAGE EASEMENT

WHEREAS it appears that a portion of the utility and minor drainage easement on Lot 3 of Autumn Hills Plaza Subdivision, located in the NW1/4 and the SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5430 Sheridan Lake Road, 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, is not needed for a public purpose and is hereby vacated.

Dated this 18th day of August, 2008.

ATTEST:  
s/ Pauline Sumption  
Assistant Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks

(SEAL)

- 19. No. 08TP022 - Approve with stipulations, the Final Report 2009-2013 Rapid City Area Transportation Improvement Program
- 20. No. PW081208-14 – Approve Resolution Renaming a portion of West Main Street to Pinedale Ridge Road

RESOLUTION RENAMING A PORTION OF WEST MAIN STREET TO PINEDALE RIDGE ROAD

BE IT RESOLVED, by the City of Rapid City, that the portion of West Main Street located west of South Berry Pine Road legally described as lying adjacent to Lots A and B of Lot 1 of Baldwin Subdivision, Lot 4 of Baldwin Subdivision and Lot X of Baldwin Subdivision, located in the SE1/4 SW1/4 and SW1/4 SE1/4 of Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and Lot D of Lot 12 of the E.E. Taylor Tract and Lot F and W of E.E. Taylor Tract; located in Lot 2 and Lot 3 of Section 5, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and Lot 35 of Pinedale Heights Subdivision, located in Section 5, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota be, and is hereby, renamed to Pinedale Ridge Road.

Dated this 18th day of August, 2008.

CITY OF RAPID CITY  
s/ Alan Hanks

ATTEST:  
s/ Pauline Sumption  
Assistant Finance Officer

(SEAL)

**Legal & Finance Committee Consent Items**

- 21. No. LF073008-76 – Approve Travel Request for Cameron Humphres to attend AAAE National Airports Conference in Reno, NV, September 5-11,2008, in the approximate amount of \$3,252
- 22. Authorize the Parks and Recreation Department to give up to \$5,000 worth of product to the county to be used for West Nile Virus prevention
- 23. Approve request by Dream Design to authorize Mayor and Finance Officer to sign Platting Application and all associated documents for property surrounding Visitor Information Center
- 24. No. LF081308-01 - Confirm appointment of Jhon Goes In Center to the Journey Museum Board
- 25. No. LF081308-03 – Approve Event Permit for Labor Day Parade to be held on September 1, 2008
- 26. No. LF081308-04 – Approve Travel Request for Denise Rossum, Sandy Dempsey, Carol Siemonsma, and Lori Culbertson-Clark to attend the Sweet-Billing Workshop in Minneapolis, MN, September 16-18, 2008, in the approximate amount of \$6,038.64
- 27. Acknowledge the following volunteers for workmen’s compensation purposes: Julia Saunders, Sarah Fawcett
- 28. No. LF081308-05 – 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:

SANITATION

1988 Bomag Trash Compactor, serial # 101570411008

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 18th day of August, 2008.

ATTEST:  
s/ Pauline Sumption  
Assistant Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks

(SEAL)

- 29. No. LF081308-21 – Approve Resolution to Amend the City of Rapid City Compensation Plan by Making the Following Changes to the Position of Aquatic Specialist

RESOLUTION TO AMEND THE CITY OF RAPID CITY  
COMPENSATION PLAN BY MAKING THE FOLLOWING  
CHANGES TO THE POSITION OF AQUATIC SPECIALIST

WHEREAS, a comprehensive compensation study and review of positions for the City of Rapid City was conducted by Condrey and Associates with the assistance of City Department Directors and City Human Resources; and

WHEREAS, the evaluation recommends changing the titles for various positions to reflect the industry standard.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the compensation plan by revising the below position classification description at the grade recommended.

Job Title	Grade	Salary	
NONUNION			
FROM:			
Aquatic Specialist	14	\$33,092	\$50,377
TO:			
Aquatics Program Specialist	17	\$38,396	\$58,406

Dated this 18th day of August, 2008.

ATTEST:  
s/ Pauline Sumption  
Assistant Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks

(SEAL)

- 30. No. LF081308-06 – Authorize Mayor and Finance Officer to sign Amendment No. 2 to Services Agreement between The Sanborn Map Company, Inc. and Rapid City, South Dakota
- 31. No. LF081308-07 – Authorize Mayor and Finance Officer to sign Subrecipient Contract for Community Development Block Grant Funding with Behavior Management Systems
- 32. No. LF081308-13 – Authorize Mayor and Finance Officer to sign Subrecipient Contract for Community Development Block Grant Funding with Black Hills Area Habitat for Humanity (Reallocation)

- 33. No. LF081308-14 – Authorize Mayor and Finance Officer to sign Subrecipient Contract for Community Development Block Grant Funding with Black Hills Area Habitat for Humanity
- 34. No. LF081308-15 – Authorize Mayor and Finance Officer to sign Subrecipient Contract for Community Development Block Grant Funding with Rapid City Community Development Corporation
- 35. No. LF081308-16 – Authorize Mayor and Finance Officer to sign Subrecipient Contract for Community Development Block Grant Funding with Teton Coalition, Inc.
- 36. No. LF081308-17 – Authorize Mayor and Finance Officer to sign Subrecipient Contract for Community Development Block Grant Funding with Wellspring, Inc. of South Dakota
- 37. No. LF081308-18 – Authorize Mayor and Finance Officer to sign Subrecipient Contract for Community Development Block Grant Funding with Youth and Family Services – Counseling
- 38. No. LF081308-08 – Authorize Mayor and Finance Officer to sign Memorandum of Agreement between the City of Rapid City and Skyline Drive Preservation, Inc.
- 39. No. LF081308-09 – Approve request from Sandra Curtis, d/b/a Grandma’s Goodies, for Ice Cream Vending License for 2008
- 40. No. LF081308-10 – Acknowledge raffle request from Festival of Trees
- 41. No. LF081308-11 – Acknowledge raffle request from Borgund Lodge 1-532, Sons of Norway
- 42. No. LF081308-19 – Authorize Mayor and Finance Officer to sign Partial Release and Discharge
- 43. No. LF081308-20 – Approve Travel Request for Joel Landeen to attend Advanced Employed Issues Symposium in Las Vegas, NV, September 24-26, 2008, in the approximate amount of \$1,950

**Growth Management Department Consent Items**

- 44. No. 08AN010 - A request by Dream Design International, Inc. for a **Petition for Annexation** on the unplatted portion of the N1/2 N1/2 N1/2 N1/2 N1/2 W1/2 SW1/4, Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located south of Sammis Trail and east of U.S. Highway 16. (APPROVE PETITION FOR ANNEXATION contingent on any payment due to the Whispering Pines Fire Protection District being made by the City of Rapid City)

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 1.5 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

The unplatted portion of the N1/2 N1/2 N1/2 N1/2 N1/2 W1/2 SW1/4, Section 35, T1N, R7E, BHM, Pennington County, South Dakota

Dated this 18th day of August, 2008.

ATTEST:

CITY OF RAPID CITY  
s/ Alan Hanks

s/ Pauline Sumption  
Assistant Finance Officer

(SEAL)

45. No. 08PL036 - A request by Joe Muth for Doeck, L.L.C. for a **Layout Plat** on Lot 1 of Block 10 of Auburn Hills Subdivision, located in the NE1/4 NE1/4, less the east 33 feet, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance, located in the NE1/4 NE1/4, less the east 33 feet, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Bunker Drive. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a drainage and grading plan must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as necessary; 2. Upon submittal of the Preliminary Plat, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained; 3. Upon submittal of the Preliminary Plat, 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 or a Variance to the Subdivision Regulations shall be obtained; 4. Upon submittal of the Preliminary Plat, construction plans for the water main along the east lot line shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 5. Upon submittal of the Preliminary Plat, construction plans for a cul-de-sac at the terminus of Bunker Drive shall be submitted for review and approval providing frontage on a public street of not less than 25 feet, or provide a revised plat document incorporating this property with the currently platted lot to the south, or a Variance from the Rapid City Zoning Board of Adjustment must be obtained; 6. Prior to Preliminary Plat approval by City Council, the property shall be rezoned or the lot shall be reconfigured to meet the minimum lot size requirements of the General Agricultural District or a Lot Size Variance from the Rapid City Zoning Board of Adjustment must be obtained; 7. Prior to Preliminary Plat approval by City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval; 8. Prior to Preliminary Plat approval by City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval; 9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees be paid as required; and, 10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)
46. No. 08PL104 - A request by Keith and Barbara Rave for a **Layout Plat** on Lots 13A and 13B of High Sheridan Ranch Subdivision, Section 35, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 13 of High Sheridan Ranch Subdivision, located in Section 35, T1N, R6E, BHM, Pennington County, South Dakota, located at 13484 Sorrel Court. (LAYOUT PLAT IS DENIED WITHOUT PREJUDICE.)
47. No. 08PL105 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Paul Bradsky of Atlantis, LLC for a **Preliminary Plat** on Lot 1 revised of Atlantis Subdivision, located in the W1/2 SW1/4, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Atlantis Subdivision and Tract E (less Lot 1) of W-Y Addition, located in the W1/2 SW1/4, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1314 North Elk Vale Road. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, road construction plans for Elk Vale Road shall be submitted for review and approval. In particular, Elk Vale Road shall be constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Preliminary Plat approval by the City

Council, road construction plans for the I-90 frontage road shall be submitted for review and approval. In particular, the I-90 frontage road shall be constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the adjacent access easement. In addition, road construction plans for the access easement shall be submitted for review and approval. In particular, road construction plans shall show the access easement with a minimum 59 foot width and constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 5. Prior to submittal of a Final Plat application, the plat title shall be revised to add "formerly...balance of Tract E, Less Lot 1 of W-Y Additions..."; 6. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; 7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 8. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.)

END OF CONSENT CALENDAR

**NON-CONSENT ITEMS** – Items 45 - 58

Motion was made by LaCroix, seconded and carried to open public comment on Items 45 – 58. Jake Berger, Barker and Little addressed items 49 (08TI007) and 50 (08TI008) indicating they have thirty acres in Tax Increment District No. 70 but will receive no benefits from the proposed improvements and asked the Council to deny the request. Jim Phoenix, Rapid City address items 49 (08TI007, 50 (08TI008, and 54 (08EX071) suggesting that City staff review the sanitary sewer requirements, indicating that there are other methods of waste disposal. Motion was made by Hadcock, seconded and carried to close public comment on Items 45 – 58.

***Ordinances***

Ordinance No. 5418 (No. 08RZ029), 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 OTS Land Co., Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** on Lot 9 of Block 2 of Catron Crossing Subdivision, located in the SW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 5930 Bendt Drive was introduced. Motion was made by Kooiker and seconded that Ordinance No. 5418 be placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, September 2, 2008. Motion carried.

***Legal & Finance Committee Items***

Motion was made by Kooiker, seconded and carried that (No. 08TI007), a request by Dream Design International, Inc. to consider an application for a **Creation of Tax Increment District Number Seventy** on Utility Lot 1 Par Subdivision; Tract 2 and Tract 3 of Par Subdivision; all located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted Portion of NE1/4 SW1/4 Lying N of Hwy Right-of-Way; Unplatted Portion of NW1/4 SW1/4 Lying N of Hwy Less Lot H1; Unplatted Portion of NW1/4 SW1/4 Lying South of Hwy, Right-of-Way Less Lot H1; Unplatted SW1/4 SW1/4, Less Lot H2 & Less Right-of-Way; all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tract A and Tract B of Meadow View Subdivision; Unplatted, E1/2 W1/2 NE1/4 NW1/4 and the

W1/2 E1/2 NE1/4 NW1/4; Unplatted Portion of NE1/4 NW1/4 NW1/4 Lying East of Hwy 16 Less Shipman Heights Subdivision and Less Right-of-Way; Lot A Tucker Subdivision; Lot 1 Shipman Heights Subdivision; Unplatted Portion of SE1/4 NW1/4 NW1/4 Lying East of Hwy 16 Less Right-of-Way; Lot A Ranch Subdivision; Tract 1 of W1/2 NW1/4 Less Lot A of Ranch Subdivision, Less Connector Subdivision, Less Lots H1, H2, H3 & Right-of-Way; Tract AR2 Needles Subdivision; Tract B Needles Subdivision; Tract 1 Waterslide Addition; Unplatted Balance of S1/2 SE1/4 NW1/4; Unplatted Balance of NE1/4 SW1/4; Lot 4R and Lot 5 of Old Rodeo Subdivision; Lot 2 and Vacated Physician Drive Adjacent of Said Lot 2 Old Rodeo Subdivision; Lot 3 and Vacated Physician Drive Adjacent to Said Lot 3 Old Rodeo Subdivision; Lot 1 Less Lots 2, 3, 4R, 5 and ROW Old Rodeo Subdivision; Unplatted Lot B of SW1/4 SW1/4 Less RTY; Lot 9R, South Hill Subdivision; Right-of-Way of Tucker Street; Right-of-Way of Promise Road; Right-of-Way of Jordan Drive; Right-of-Way of Addison Avenue; all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 and Lot 2 of Connector Subdivision, all located in Sections 26 and 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Platted Tract 1 of SE1/4 NE1/4 Less Connector Sub & Less Lot H1, Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted NW1/4NW1/4 less Lot H1 and less right-of-way; Unplatted SE1/4NW1/4; Unplatted W1/2SE1/4 and SE1/4SE1/4; Unplatted NE1/4SW1/4; Unplatted SW1/4NW1/4 less Lot H1 and less right-of-way; all located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Right-of-Way of Catron Boulevard located in Sections 23, 24, 26, and the SE1/4 NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Right-of-Way of U.S. Highway 16 located in Section 26, 27, NE1/4 of Section 34, and NW1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Catron Boulevard from Fifth Street to South U.S. Highway 16, then south along U.S. Highway 16 to Sammis Trail and east to Hyland Crossing Subdivision be continued to the September 2, 2008 City Council meeting.

Motion was made by Kooiker, seconded and carried that (No. 08TI008), a request by Dream Design International, Inc. to consider an application for a **Project Plan** on Utility Lot 1 Par Subdivision; Tract 2 and Tract 3 of Par Subdivision; all located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted Portion of NE1/4 SW1/4 Lying N of Hwy Right-of-Way; Unplatted Portion of NW1/4 SW1/4 Lying N of Hwy Less Lot H1; Unplatted Portion of NW1/4 SW1/4 Lying South of Hwy, Right-of-Way Less Lot H1; Unplatted SW1/4 SW1/4, Less Lot H2 & Less Right-of-Way; all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tract A and Tract B of Meadow View Subdivision; Unplatted, E1/2 W1/2 NE1/4 NW1/4 and the W1/2 E1/2 NE1/4 NW1/4; Unplatted Portion of NE1/4 NW1/4 NW1/4 Lying East of Hwy 16 Less Shipman Heights Subdivision and Less Right-of-Way; Lot A Tucker Subdivision; Lot 1 Shipman Heights Subdivision; Unplatted Portion of SE1/4 NW1/4 NW1/4 Lying East of Hwy 16 Less Right-of-Way; Lot A Ranch Subdivision; Tract 1 of W1/2 NW1/4 Less Lot A of Ranch Subdivision, Less Connector Subdivision, Less Lots H1, H2, H3 & Right-of-Way; Tract AR2 Needles Subdivision; Tract B Needles Subdivision; Tract 1 Waterslide Addition; Unplatted Balance of S1/2 SE1/4 NW1/4; Unplatted Balance of NE1/4 SW1/4; Lot 4R and Lot 5 of Old Rodeo Subdivision; Lot 2 and Vacated Physician Drive Adjacent of Said Lot 2 Old Rodeo Subdivision; Lot 3 and Vacated Physician Drive Adjacent to Said Lot 3 Old Rodeo Subdivision; Lot 1 Less Lots 2, 3, 4R, 5 and ROW Old Rodeo Subdivision; Unplatted Lot B of SW1/4 SW1/4 Less RTY; Lot 9R, South Hill Subdivision; Right-of-Way of Tucker Street; Right-of-Way of Promise Road; Right-of-Way of Jordan Drive; Right-of-Way of Addison Avenue; all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 and Lot 2 of Connector Subdivision, all located in Sections 26 and 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Platted Tract 1 of SE1/4 NE1/4 Less Connector Sub & Less Lot H1, Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted NW1/4NW1/4 less Lot H1 and less right-of-way; Unplatted SE1/4NW1/4; Unplatted W1/2SE1/4 and SE1/4SE1/4; Unplatted NE1/4SW1/4; Unplatted SW1/4NW1/4 less Lot H1 and less right-of-way; all located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Right-of-Way of Catron Boulevard located in Sections 23, 24, 26, and the SE1/4 NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Right-of-Way of U.S. Highway 16 located in Section 26, 27, NE1/4 of Section 34, and NW1/4 of Section 35, T1N, R7E, BHM, Rapid City,

Pennington County, South Dakota, more generally described as being located Catron Boulevard from Fifth Street to South U.S. Highway 16, then south along U.S. Highway 16 to Sammis Trail and east to Hyland Crossing Subdivision be continued to the September 2, 2008 City Council meeting.

### ***Public Works Committee Items***

Motion was made by Kroeger and seconded to deny a request by Steve McCarthy, Friends of the Parks for placement of portable toilets at Cliff Side Park. Motion carried with Kooiker voting NO.

The Mayor presented (No. 08EX071), a request by Hadcock Construction Inc. to consider an exception to **Allow a Cul-De-Sac Length of 6,765 Feet in Lieu of 500 Foot Maximum** on Lot B, Dewald Subdivision, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota. (File# 08PL060, 08PL106) Motion was made by Kroeger and seconded to approve the exception. Property is located west of Rapid City and involves extending an existing development where one additional 10-acre lot is being platted. There is concern about the property being in the wild fire hazard area, but in working with the applicant's engineer the Rapid City Fire Department outlined their recommendations that would grant the exception. Substitute motion was made by Kooiker and seconded to continue the request to the September 2, 2008 City Council meeting. Council members were assured that the Fire Department personnel, after a site visit and reviewing the specifics of the situation, are comfortable with their recommendations. Upon a roll call vote on the substitute motion, motion failed with the following voting AYE: Kooiker; NO: Olson, Kroeger, BH, LaCroix, Martinson, Okrepkie, and Chapman; ABSTAINING: Hadcock. Upon a vote being taken on the motion to approve, motion carried with Kooiker voting NO and Hadcock ABSTAINING.

The Mayor presented (No. 08EX072), a request by Hadcock Construction Inc. to consider an exception to **Waive the Requirement for Intermediate Turnarounds Along a Cul-De-Sac Every 600 Feet** on Lot B, Dewald Subdivision, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota. (File# 08PL060, 08PL106) Motion was made by Kroeger and seconded to approve the request to waive the requirement for intermediate turnarounds along a cul-de-sac at intervals not exceeding 600 feet with the following stipulation: 1. Pull-outs shall be provided for the first 4,000 feet of access off of Nameless Cave Road and the installation of a turnaround at the end of the cul-de-sac serving the new single family home. The Rapid City Fire Department personnel did recommend, to the applicant, the installation of a residential fire sprinkler system. Because the property is outside of the one-mile area, Rapid City's fire code does not apply. Motion carried with Kooiker voting NO and Hadcock ABSTAINING.

### ***Bids***

The following companies submitted bids for (No. CC080408-02.3), One (1) New Current Year Model 11' High Capacity Mower, Parks Division opened July 31, 2008: Midwest Turf & Irrigation (2 bids), RDO Equipment, and Turfwerks. Staff reviewed the bids and recommends the bid award to RDO Equipment. Parks and Recreation Director Cole recommended the bid award to Midwest Turf & Irrigation. Motion was made by LaCroix and seconded to approve the bid award for a New 11' High Capacity Mower to the lowest responsible bidder meeting specifications, Midwest Turf & Irrigation, for the low unit prices bid for a total contract amount of \$46,910. It is indicated that the apparent low bidder did not meet the specifications; and while the bid award is higher than the Advertising Authority because the decision was made not to use a trade-in, there is sufficient funds to cover the expenditure. Noting that there is a lower bid, a substitute motion was made by Kroeger and seconded to approve the bid award to the lowest responsible bidder meeting specifications, RDO Equipment, for the low unit prices bid for a total contract amount of \$44,482.49. Motion carried.

### ***Appeals - Sign Code Appeals***

Motion was made by Kooiker, seconded and carried that (No. CC110507-03), a Notice of Appeal from the Requirements of the Rapid City Sign Ordinance, Chapter 15.28 by Cabela's Retail, Inc. for wall signs,

joint identification sign, and ground monument sign on Lot 3, Forefather Flats Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3231 East Mall Drive be continued to the November 17, 2008 City Council meeting.

Motion was made by Kooiker, seconded and carried that (No. CC110507-04), a Notice of Appeal from the Requirements of the Rapid City Sign Ordinance, Chapter 15.28 by Rapid Center, LLC for joint identification sign on Lot 3, Starlite Subdivision, and a portion of the SW1/4 of Section 28, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota be continued to the November 17, 2008 City Council meeting.

**PUBLIC HEARING ITEMS** – Items 59 – 92

Motion was made by Hadcock, seconded and carried to open the public hearing on Items 59 – 92. No comments were offered.

**CONTINUED PUBLIC HEARING CONSENT ITEMS** – Items 59 - 80

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

***Continue the following items until September 2, 2008:***

59. 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.
60. 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.
61. No. 08CA026 - A request by Brad and Dad, LLC for Kent Hagg of Mall Drive, LLC and Pat Tlustos for Bypass Development, LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Industrial Development** on Lot 3 Mall Drive Subdivision and Lot 1B of Block 6 of Interstate 90 Business Park, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Mall Drive and West of Dakota Craft Drive.
62. No. 08PL038 - A request by Sperlich Consulting, Inc. for TK Engesser Investments, LLC for a **Preliminary Plat** on Lots 1 thru 4 of Engessor Subdivision, located in the NE1/4 of the SE1/4, less Lot H1 of the NE1/4 of the SE1/4, less Lot A of the NE1/4 of the SE1/4, less Lot PE1 of the NE1/4 of the SE1/4, and less a portion of a South Dakota owned Railroad Right-of-way, located in the NE1/4 of the SE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the NE1/4 of the SE1/4, less Lot H1 of the NE1/4 of the SE1/4, less Lot A of the NE1/4 of the SE1/4, less Lot PE1 of the NE1/4 of the SE1/4, and less a portion of a South Dakota owned Railroad Right-of-way, located in the NE1/4 of the SE1/4, Section 24, T1N, R8E,

BHM, Pennington County, South Dakota, located southwest of the intersection of South Dakota Highway 44 and Radar Hill Road.

63. No. 08PL055 - A request by Advanced Engineering for David M. Grundstrom for a **Preliminary Plat** on Lots 1 of Lot B3 and Lot 2 of B3 of Parcel B of MJK Subdivision, formerly Lot B3 of Parcel B of the MJK Subdivision located in the NW1/4 of the SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B3 of Parcel B of the MJK Subdivision located in the NW1/4 of the SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 4045 Derby Lane.
64. No. 08PL061 - A request by Kadrmas, Lee and Jackson for Speedway Enterprises, LLC for a **Layout Plat** on Lots 1 and 2 of Race Track Subdivision, formerly the unplatted portion of the S1/2 SW1/4 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the S1/2 SW1/4 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of the intersection of East S.D. Highway 44 and Jolly Lane.
65. No. 08PL065 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 20 of Block 1, located in portions of the E1/2 NW1/4 and the NE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as located in the E1/2 NW1/4 and the NE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Copperfield Drive.
66. No. 08PL070 - A request by Michael and Susan Bergstresser and Elmer E. and Barbara Storm for a **Preliminary and Layout Plat** on Lots 2R and 3R, formerly Lots 2 thru 6 less Lot H1, located in the SE1/4 of the NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lots 2 thru 6 less Lot H1, located in the SE1/4 of the NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, located at 6417 South Canyon Road.
67. No. 08PL088 - A request by FourFront Design, Inc. for Skyline Pines East, LLP for a **Preliminary Plat** on Lot 9 of Skyline Pines East Subdivision located in the remainder of Lot B of the SE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the remainder of Lot B of the SE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of U.S. Highway 16 adjacent to Tower Road and east of Sandstone Lane.
68. No. 08PL089 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1A, 1B, 2A, 2B, 3A and 3B of Block 1 of Red Rock Shadows Subdivision, formerly a portion of NE1/4 of the SE1/4 located in the NE1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, legally described as a portion of NE1/4 of the SE1/4 located in the NE1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, located south of Portrush Road and west of Dunsmore Road.
69. No. 08PL090 - A request by Advanced Engineering & Surveying and D.C. Scott Surveying, Inc. for Blu-Knu Enterprises, LLC for a **Preliminary Plat** on Lots 2A and 2B and Lot 3R of Blu-Knu Subdivision, formerly Lots 2 and 3 of Blu-Knu Subdivision and the unplatted land located in the SW1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 2 and 3 of Blu-Knu Subdivision and the unplatted land located in the SW1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on the west side of Deadwood Avenue between Lien Street and 1543 Deadwood Avenue.

70. No. 08PL102 - A request by Black Hills Area Habitat for Humanity for a **Preliminary Plat** on Blocks 73A, 73B and 73C of Mahoney Addition, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 73 of Mahoney Addition, all located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1323 Midway Street.
71. No. 08PL106 - A request by Hadcock Construction Inc. for Allan L. and Leah J. Dewald for a **Preliminary Plat** on Lot B of DeWalds Subdivision, located in the SW1/4 NE1/4 NW1/4 and a portion of the W1/2 NW1/4, Section 12, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as located in the SW1/4 NE1/4 NW1/4 and a portion of the W1/2 NW1/4, Section 12, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, located at 6790 Nameless Cave Road.
72. No. 08PL107 - A request by Sperlich Consulting, Inc. for Gordon Howie for a **Preliminary Plat** on Lots 33 thru 40 of Block 18, Lot 6 of Block 26 and Lots 5 thru 8 of Block 27 of Trailwood Village Subdivision, located in the NW1/4 of the SE1/4 and the SW1/4 of the NE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village Subdivision, located in the NW1/4 of the SE1/4 and the SW1/4 of the NE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at the northern terminus of Savannah Street.
73. No. 08RZ027 - Second Reading, Ordinance No. 5416, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Kent and Karin Hagg for a **Rezoning from Low Density Residential District to General Agriculture District** of Open Space and Open Space with Major Drainage and Utility Easement, Block 3, South Hill Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Catron Boulevard and north, west and south of Wellington Drive.
74. No. 08RZ028 - Second Reading, Ordinance No. 5417, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Brad and Dad, LLC for Kent Hagg of Mall Drive, LLC and Pat Tlustos for Bypass Development, LLC for a **Rezoning from General Commercial District to Light Industrial District** on Lot 3 Mall Drive Subdivision and Lot 1B of Block 6 of Interstate 90 Heartland Business Park, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Mall Drive and West of Dakota Craft Drive.
75. 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.
76. No. 08SV028 - A request by Kadrmas, Lee and Jackson for Speedway Enterprises, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Race Track Subdivision, formerly the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E,

BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of the intersection of East S.D. Highway 44 and Jolly Lane.

77. No. 08SV034 - A request by FourFront Design, Inc. for Skyline Pines East, LLP for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sidewalk along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 9 of Skyline Pines East Subdivision located in the remainder of Lot B of the SE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the remainder of Lot B of the SE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of U.S.Highway 16 adjacent to Tower Road and east of Sandstone Lane.
78. No. 08SV035 - A request by Advanced Engineering & Surveying and D.C. Scott Surveying, Inc. for Blu-Knu Enterprises, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install street light conduit, sewer and additional pavement along Lien Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2A and 2B and Lot 3R of Blu-Knu Subdivision, formerly Lots 2 and 3 of Blu-Knu Subdivision and the unplatted land located in the SW1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 2 and 3 of Blu-Knu Subdivision, and the unplatted land located in the SW1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on the west side of Deadwood Avenue between Lien Street and 1543 Deadwood Avenue.
79. No. 08VE017 - A request by Dream Design International, Inc. for a **Vacation of a portion of a Utility and Drainage Easement** on Lot 7 of Block 3 of Rainbow Ridge Subdivision, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1118 Alma Street.
80. No. 08VE018 - A request by Dream Design International, Inc. for a **Vacation of a portion of a Minor Drainage and Utility Easement** on Lot 8 of Block 3 of Rainbow Ridge Subdivision, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1128 Alma Street.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by LaCroix, seconded and carried to close the public hearing on Items 59 – 92.

**CONSENT PUBLIC HEARING ITEMS** – Item 81-86

Motion was made LaCroix, seconded and carried to approve the Consent Public Hearing Items.

***Alcohol Licenses***

81. **Rapid City Area Chamber of Commerce** for a special Beer and Wine License for an event scheduled September 14, 2008 at the Rushmore Mall, 2200 North Maple Avenue
82. **Rapid City Area Chamber of Commerce** for a special Beer and Wine License for an event scheduled September 18, 2008 at the Rapid City Regional Hospital, 353 Fairmont Boulevard
83. **Rapid City Area Chamber of Commerce** for a special Beer and Wine License for an event scheduled October 30, 2008 at the Black Hills Home Builders, 3121 W. Chicago Street
84. **Rapid City Area Chamber of Commerce** for a special Beer and Wine License for an event scheduled November 20, 2008 at the Days Inn I-90, 1570 N. LaCrosse Street
85. **Sergio Munoz and Ana Line Munoz** dba Saber A Mexico, 208 East North Street for a Retail (On-Off Sale) Malt Beverage License not eligible for video lottery

***Assessment Rolls***

86. No. LF071608-06 – Resolution Levying Assessment for Cleanup of Miscellaneous Property

RESOLUTION LEVYING ASSESSMENT FOR  
CLEANUP OF MISCELLANEOUS PROPERTY

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the property cleanup is the amount stated in the proposed assessment roll.
2. The Assessment Roll for Cleanup of Miscellaneous Property is hereby approved and assessments thereby specified are levied against each and every lot, piece, or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed nine percent (9%).

Dated this 18th day of August, 2008.

ATTEST:  
s/ Pauline Sumption  
Assistant Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks

(SEAL)

ASSESSMENT ROLL FOR  
CLEANUP OF MISCELLANEOUS PROPERTY

Property Owner	Legal Description	Assessment
1. Matthew J. Allgier 503 Racine Street Rapid City, SD 57701	Schnasse Subdivision Block 12 Lot 20	\$202.00
2. Shirley McKelvey 3914 West Main Street Rapid City, SD 57702	Acre Tract Subdivision of Lot 2 Lot A	\$359.00

END OF CONSENT PUBLIC HEARING CALENDAR

**NON-CONSENT PUBLIC HEARING ITEMS** – Items 87 – 92

Motion was made by Kroeger, seconded and carried that (No. 08CA027), Rapid City's Regional Airport Master Plan – Request to approve a request by City of Rapid City to consider an application for a **Amendment to the Adopted Comprehensive Plan to incorporate the City of Rapid City's Regional Airport Master Plan Update (May 2008)** be continued to the September 2, 2008 City Council meeting.

The Mayor presented (No. 08CA025), a request by G/GSA, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Industrial to General Commercial** on Lot 3 of Tract D of W-Y Addition, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 4507 South Interstate 90 Service Road. The following resolution was introduced, read, and Kroeger 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 18<sup>th</sup> day of August, 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 Industrial to General Commercial, on Lot 3 of Tract D of W-Y Addition, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be amended to change the land use designation from Industrial to General Commercial, on Lot 3 of Tract D of W-Y Addition, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 18th day of August, 2008.

ATTEST:  
s/ Pauline Sumption  
Assistant 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: Kooiker, Olson, Kroeger, Hurlbut, Hadcock, LaCroix, Martinson, Okrepkie, and Chapman; NO: None; whereupon said resolution was declared duly passed and adopted.

Motion was made by Kroeger, seconded and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk and street light conduit along Interstate 90 frontage road and the installation of curb, gutter and street light conduit along Elk Vale Road as they abut Lot 1 of Atlantis Subdivision and Tract E (less Lot 1) of W-Y Addition, located in the W1/2 SW1/4, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1314 North Elk Vale Road. (08SV037)

The Mayor presented (No. 08SV037), a request by Fisk Land Surveying & Consulting Engineers, Inc. for Paul Bradsky of Atlantis, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Elk Vale Road and I-90 frontage road, to reduce the width of the access easement from 59 feet to 26 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 revised of Atlantis

Subdivision, located in the W1/2 SW1/4, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Atlantis Subdivision and Tract E (less Lot 1) of W-Y Addition, located in the W1/2 SW1/4, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1314 North Elk Vale Road. Motion was made by Kroeger, seconded and carried that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit along Interstate 90 frontage road be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and, That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit along Elk Vale Road be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements; That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Elk Vale Road be denied; and, That the Variance to the Subdivision Regulations to reduce the width of the access easement from 59 feet to 26 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement be approved.

The Mayor presented (No. 08SV038), a request by Hadcock Construction Inc. for Allan L. and Leah J. Dewald for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16 of the Rapid City Municipal Code** on Lot B of DeWalds Subdivision, located in the SW1/4 NE1/4 NW1/4 and a portion of the W1/2 NW1/4, Section 12, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as located in the SW1/4 NE1/4 NW1/4 and a portion of the W1/2 NW1/4, Section 12, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, located at 6790 Nameless Cave Road. Motion was made by Kroeger, seconded and carried with Hadcock ABSTAINING that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16 of the Rapid City Municipal Code be approved with the following stipulation: 1. A minimum 20 foot wide gravel road shall be provided.

The Mayor presented (No. 08RZ026), second reading fo Ordinance No. 5415, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by G/GSA, Inc. for a **Rezoning from No Use District to General Commercial District** on Lot 3 of Tract D of W-Y Addition, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 4507 South Interstate 90 Service Road. Notice of hearing was published in the Rapid City Journal on August 9, 2008 and August 16, 2008. Ordinance No. 5415 having had the first reading on August 4, 2008, motion was made by Kooiker and seconded that the title be read the second time. The following voted AYE: Kooiker, Olson, Kroeger, Hurlbut, Hadcock, LaCroix, Martinson, Okrepkie, and Chapman; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5415 the second time.

**BILLS**

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

Payroll Paid Ending 8-2-08, Paid 8-8-08	857,202.80
Payroll Paid Ending 8-2-08, Paid 8-8-08	2,969.60
Pioneer Bank, Taxes Paid 8-8-08	208,601.29
Pioneer Bank, Taxes Paid 8-8-08	214.91
SD Retirement System, retirement	367,630.72
SD Retirement System, retirement	356.36
First Administrators, claims paid 8-6-08	21,638.60
First Administrators, claims paid 8-13-08	65,382.60
Berkley Risk Administrators, July claims	39,484.64

**CITY COUNCIL**

**AUGUST 18, 2008**

Black Hills Power & Light, electricity	58,311.51
Black Hills Electric Coop, electricity	1,091.68
Montana Dakota Utilities, gas	337.13
West River Electric Association, electricity	23,385.48
Computer Bill List	<u>3,750,204.87</u>
Subtotal	\$5,396,812.19

Payroll Paid Ending 8-2-08, Paid 8-8-08	2,567.28
Pioneer Bank, Taxes Paid 8-8-08	196.41
SD Retirement System, retirement	195.56
City of Rapid City, health insurance	550.50
City of Rapid City, postage	2.31
Dakota Business Center, copier usage	29.93
Knology, phone	29.45
Metropolitan Life Insurance, life insurance	3.21
Occupational Health, pre-employment screening	38.00
Standard Life Insurance, life insurance	3.50
Western Stationers, copy paper	0.44
Wright Express, gas	<u>183.99</u>
Subtotal	\$5,400,612.77

1st National Bank of Sioux Falls, bond fees	<u>1,064,455.89</u>
Total	\$6,465,068.66

**ADJOURN**

As there was no further business to come before the Council at this time, the meeting adjourned at 8:04 P.M.

ATTEST:

CITY OF RAPID CITY

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

\_\_\_\_\_  
Mayor

(SEAL)