

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

February 19, 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 Tuesday, February 19, 2008 at 7:00 P.M.

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

Staff members present included Finance Officer Jim Preston, City Attorney Jason Green, Growth Management Director Marcia Elkins, Public Works Director Dirk Jablonski, Fire Chief Mark Rohlfing, Police Chief Steve Allender, and Administrative Coordinator Jackie Gerry.

**ADOPTION OF AGENDA**

The following items were added to the agenda:

- Report on the septic tank proposal to the County
- Resolution Supporting Enabling Legislation to Allow Municipalities to Permit the Sale of Beverages on Sidewalks
- Authorize the Mayor and Finance Officer to sign a waiver of right to protest a future assessment for street improvements (07SV062)

Chapman moved, second by Weifenbach and carried to adopt the agenda as amended.

**APPROVE MINUTES**

Chapman moved, second by Weifenbach and carried to approve the minutes for February 4, 2008,

**AWARDS AND RECOGNITIONS**

Mayor Hanks presented the Veteran for the Month of February, 2008 to Dennis A. Roy, and recognized his efforts and dedication to the service of his country and community.

Mayor Hanks presented Certificates of Recognition to Captain Ed Hofkamp and acknowledged his 30 years of dedicated service to Rapid City Police Department.

**NON-PUBLIC HEARING ITEMS** -- Items 3 - 80

Hadcock moved, second by LaCroix and carried to open public comment on Items 3 – 63. Steven Brenden, Rapid City addressed item #59 (LF021308-30), asking that Big Sky be held accountable for the completion of the subdivision improvements. Chapman moved, second by Hurlbut and carried to close public comment on Items 3 – 63.

**CONSENT ITEMS** – Items 3 - 63

The following items were removed from the Consent Items:

8. No. PW021208-02 - Acknowledge report on Energy Use Analysis Report
59. No. LF021308-30 – Authorize Mayor and Finance Officer to sign Agreement between the City of Rapid City and SYB, Inc. to Allow for Acceptance of Public Improvements before the Completion of Sidewalks for Big Sky Subdivision, Phase 11

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

***Vacations of Right-Of-Way Set for Hearing (March 17, 2008)***

3. No. 08VR001 - A request by Renner & Associates for Jo and Steve Benn for a **Vacation of Right-of-Way** on a portion of Clarkson Road Right-of-way, located in the S1/2 of the NE1/4 and the N1/2 of the SE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, located at the intersection of Clarkson Road and Spring Canyon Trail.
4. No. 08VR002 - A request by Renner & Associates for Jo and Steve Benn for a **Vacation of Right-of-Way** on a portion of Spring Canyon Trail Right-of-way, located in the S1/2 of the NE1/4 and the N1/2 of the SE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, located at the intersection of Clarkson Road and Spring Canyon Trail.

***Alcoholic Beverage License Applications Set for Hearing (March 3, 2008)***

5. Walter Banovil dba **Picasso Barn Pizzeria**, 325 Omaha Street, Suite 6 for a Retail (On-Off Sale) Malt Beverage License with NO Video Lottery TRANSFER from Picasso Barn Pizzeria, LLC dba Picasso Barn Pizzeria, 556 Kirkeby Lane

***Public Works Committee Consent Items***

6. No. PW021208-01 – Acknowledge the report on concrete pavement benefits and life cycle costs presented by Larry Engbrecht with the American Concrete Pavement Association.
7. Ask Larry Engbrecht with the American Concrete Pavement Association to share the presentation on concrete pavement benefits and life cycle costs at the March 3, 2008 Council meeting.
9. No. PW021208-04 – Authorize staff to solicit proposals for water and sewer rate analysis.
10. No. PW021208-05 – Approve Change Order No. 5 for the Dahl Arts Center Remodel and Addition Project No. IDP04-1367 to J. Scull Construction Services for an increase of \$9,527.12.
11. No. PW021208-06 – Authorize staff to advertise for bids for replacement of ultraviolet lamps for the Water Reclamation Division waste water disinfection system.
12. No. PW021208-07 - Authorize staff to advertise for bids for 1st Street and Philadelphia Street Sewer Main Replacement Project No. SS05-1443 / CIP #50579.
13. No. PW021208-08 - Authorize staff to advertise for bids for Utility Cut Portland Cement Concrete Replacement.
14. No. PW021208-09 - Authorize staff to advertise for bids for Canyon Lake Drive Irrigation Project No. PR06-1515 / CIP #50600.
15. No. PW021208-10 - Authorize staff to advertise for bids for Saint Andrew Street Reconstruction Project No. ST07-1604 / CIP #50410

16. No. PW021208-11 - Authorize staff to advertise for bids for Roosevelt Park Improvements, Phase 3 grading, irrigation, landscaping, walkways, picnic shelters Project No. PR07-1680.
17. No. PW021208-12 – Authorize the Mayor and Finance Officer to sign a permanent utility easement with Black Hills Power in, on, over, under, and across the following described real property: A 16' x 16' square along the southern boundary of the unplatted balance of the East 650' of SE1/4SW1/4NE1/4 of Section Eighteen (18), Township One North (T1N), Range Eight East (R8E) of the Black Hills Meridian, Pennington County, South Dakota, the centerline of which is located 459' to the west of the southeast property corner. More generally described as near the intersection of Minnesota Street and Wildflower Drive.
18. No. PW021208-13 – Authorize the Mayor and Finance Officer to sign a Professional Services Agreement between the City of Rapid City and American Engineering and Testing, Inc. for 2008 environmental monitoring for the landfill and material recovery facility for an amount not to exceed \$45,088.84.
19. No. PW021208-14 – Authorize the Mayor and Finance Officer to sign a Professional Services Agreement between the City of Rapid City and Wenck Associates, Inc. for landfill leachate removal and remediation, investigative phase Project No. LF07-1681 / CIP #50694 for an amount not to exceed \$90,006.00.
20. No. PW021208-16 – Authorize the Mayor and Finance Officer to sign a Joint Funding Agreement No. 08C4SD000000033 between the City of Rapid City and the United States department of the Interior U.S. Geological Survey for operation and maintenance of selected gaging stations, and for various hydrologic investigations for the period of January 1, 2008 through December 31, 2008 in the amount of \$136,650.00 to be billed quarterly.
21. No. PW021208-17 – Authorize the Mayor and Finance Officer to sign Amendment No. 1 to the Professional Services Agreement between the City of Rapid City and Designworks, Inc. for Canyon Lake Drive/Sheridan Lake Road Irrigation Project No. PR05-1515 for an amount not to exceed \$3,000.00.
22. No. PW021208-18 – Authorize City of Rapid City to install STOP signs at the intersection of Executive Drive and Founders Park Drive
23. No. PW021208-19 – Authorize City of Rapid City to install YIELD signs at the intersection of Surfwood Drive and Brentwood Street
24. No. PW021208-20 - Accept final report and recommendations for Elk Vale Road Lift Station Evaluation #SS07-1662/CIP #50688, by HDR Engineering, Inc. .
25. No. PW021208-21 - Authorization to seek proposals for engineering services for Robbinsdale Utility and Street Reconstruction Project – Phase One Project No. SSW06-1494 / CIP #50134
26. No. PW021208-22 - Authorization to seek proposals for engineering services for Kepps Water Main Extension and Control Valve Project No. W08 - 1702 / CIP #50625
27. No. 08TP004 – Approve 2008-2012 Transportation Improvement Program Amendment #08-004.

***Legal & Finance Committee Consent Items***

28. No. LF112807-01 - Authorize the Mayor and Finance Officer to sign Agreement between the City of Rapid City and Pennington County for the Use and Maintenance of Certain Land Located Adjacent to the Central States Fair Grounds
29. Request staff to work with the town of Hermosa to come up with a payment plan for the flood debris disposal fees in the approximate amount of \$8,000

30. No. LF021308-01 - Deny the request by Fernand Marquis to waive the special assessment fee in the amount of \$237 for 624 E. Madison Street
31. No. LF021308-02 – Confirm appointment of Dennis Hettich to the Sign Contractor Board
32. No. LF021308-04 – Confirm reappointment of Jamie Stampe and Matt Hammon to the Fire Code Board of Appeals
33. No. LF021308-29 – Acknowledge report on the National League of Cities Leadership Training Institute to be held in Rapid City June 29-July 1, 2008
34. No. LF021308-06 – Authorize Mayor and Finance Officer to sign Agreement for Independent Contractor Services with Dr. Robert Looyenga.
35. No. LF021308-07 – Approve Travel Request for Ray Cornford to attend Spring 2008 CALEA Conference in Atlanta, Georgia, March 11-16, 2008, in the approximate amount of \$1,820.25.
36. No. LF021308-08 – Approve Travel Request for David Stucke to attend Advanced Forensic Video Analysis and the Law Course in Indianapolis, IN, March 30-April 4, 2008, in the approximate amount of \$2,213.64
37. No. LF021308-09 – Approve Travel Request for Brian Blenner, Jim Hansen, and Spencer O'Bryan to attend Active Shooter Response Training in Riverton, WY, March 16-21, 2008, in the approximate amount of \$3,598
38. No. LF021308-28 – Authorize the Mayor and Finance Officer to sign Unified Narcotics Enforcement Team Rapid City, South Dakota Joint Powers Agreement
39. No. LF021308-12 – Approve Travel Request for Greta Chapman, Terri Davis, Ed Hughes, and Susan Braunstein to Attend PLA's 12<sup>th</sup> National Conference in Minneapolis, MN, March 25-29, 2008, in the approximate amount of \$3,817.68
40. No. LF021308-14 – Approve Amended Travel Request for Charles Janson, Code Consultant and Mark Brodrick, Building Inspector II to attend the ICC International Codes Training Seminar in Denver, Colorado, March 3-7, 2008 (Travel Dates March 2-7, 2008) in an estimated amount of \$2,135.00
41. No. 08TP003 – Authorize staff to go out for Request for Proposals for the preparation of the Sheridan Lake Road Neighborhood Area Future Land Use Plan
42. Acknowledge Finance Office Request to SD Department of Legislative Audit for 30-day extension on annual report.
43. No. LF021308-16 – Authorize the Mayor and Finance Officer to sign Audit Engagement Letter to Contract with Casey Peterson & Associates, LTD to perform the 2007 Financial Audit of the city at a cost of \$30,000
44. Request staff to proceed with amending the ward/precinct ordinance to include the newly annexed areas
45. No. LF021308-17 – Authorize the Mayor and Finance Officer to sign ESRI Software Enterprise License Agreement
46. No. LF021308-18 – Authorize the Mayor and Finance Officer to sign Local Governing Body Approval Letter for Teton Coalition, Inc. for the construction of 9 homes for low income families.
47. No. LF021308-19 – Authorize the Mayor and Finance Officer to sign Local Governing Body Approval Letter for Eagle Ridge Properties LLC for the construction of 60 homes for low income families.
48. No. LF021308-20 – Authorize Community Development Specialist to purchase a Poverty Simulation Kit
49. No. LF021308-21 – Authorize the Mayor and Finance Officer to sign License Agreement with the Missouri Association for Community Action for the use of the Poverty Simulation Kit

50. Acknowledge report regarding the sidewalk issues on Brookside Drive.
51. No. LF013008-15 – Authorize the Mayor and Finance Officer to sign Contract with EZ-Go Golf Cars to provide a fleet of 65 golf carts for the Municipal Golf Courses at a cost of \$587.60 each, for a total of \$38,194 per year, for FY 2008-2012
52. Increase Travel Request for Parks and Recreation Director Jerry Cole to attend the National Legislative Forum on Parks and Recreation in Washington, DC, March 10-15, 2008 by \$586, for a total of \$2,516
53. No. LF021308-13 – Authorize the Parks and Recreation Department to apply for a grant from the American Academy of Dermatology for the 2008 Shade Structure Program for a shade structure to be located in Vickie Powers Park
54. No. LF021308-22 – Authorize the Mayor and Finance Officer to sign Agreement between the City of Rapid City and Zandstra Construction, Incorporated and ZCO, Inc. for the Completion of Subdivision Improvements
55. No. LF021308-24 – Acknowledge Raffle Request from the Rapid City-Imaichi Sister City Association, Inc.
56. No. LF021308-25 – Acknowledge Raffle Request from Canyon Lake Senior Center
57. No. LF021308-26 – Acknowledge Raffle Request from Habitat for Humanity
58. No. LF021308-31 – Acknowledge Raffle Request from Counts of the Cobblestone Car Club
60. No. LF021308-27 – Approve the following abatement: Dale L. Hein - \$1,374.54
61. Approve the following licenses: Central Station Service: Rapid Response Monitoring Services, Inc., Russell R. MacDonnell; Pawn Shop: Main Furniture Shoppe, Sheryl Uthe; Second Hand: Matt Kimball's Golf Shop, Matthew R. Kimball; Furniture Mart, Susan R. Sorbel

### ***Growth Management Department Consent Items***

62. No. 07PL122 - A request by Paul Lindstrom for a **Layout Plat** on Lots 2A and 2B of Watersedge Subdivision, located in the NE1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Watersedge Subdivision, located in the NE1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1810 Rand Road. (LAYOUT PLAT IS DENIED WITHOU PREJUDICE.)
63. No. 07PL162 - A request by Britton Engineering and Land Surveying, Inc. for Raymond J. Crawford, III for a **Preliminary Plat** on Lots A and B of Lot 4R of High Sheridan Ranch Subdivision, Section 35, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 4R of High Sheridan Ranch Subdivision, Section 35, T1N, R6E, BHM, Pennington County, South Dakota, located at 23435 Sand Lane. (PRELIMINARY PLAT IS APPROVED WITH THE FOLLOWING STIPULATIONS: 1. Prior to approval by the Planning Commission the applicant shall coordinate with the Pennington County Fire Department, and Rapid City Fire Department to determine adequate fire flows for the proposed lots; 2. Prior to approval by the City Council the applicant shall remove the swimming pool on proposed Lot A that is encroaching into a 16 foot minor drainage and utility easement, or vacate the portion of the minor drainage and utility easement in which the encroachment occurs; 3. Prior to Preliminary Plat approval by the City Council, road construction plans for Sand Lane shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, pavement, sidewalk, sewer, and street light conduit or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to Preliminary Plat approval by the City Council, a

cost estimate of the subdivision improvements shall be submitted for review and approval; or a Variance to the Subdivision Regulations shall be obtained; 5. Upon submittal of the 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.)

#### END OF CONSENT CALENDAR

LaCroix moved, second by Kroeger to (No. PW021208-02), acknowledge report on Energy Use Analysis Report. Public Works Director Jablonski, responding to a question from Alderman Olson, indicated that a former Alderman expressed their interest in making available the City's energy conservation policy adopted by the City Council. Jablonski indicated that the policy is linked to the City's website and department heads will be made aware of the policy. Alderman Olson indicated that this was an important effort undertaken a number of years ago and as the City moves forward it is important to look at saving energy. Upon a vote being taken, motion carried.

Hadcock moved, second by Olson to (No. LF021308-30), authorize the Mayor and Finance Officer to sign Agreement between the City of Rapid City and SYB, Inc. to Allow for Acceptance of Public Improvements before the Completion of Sidewalks for Big Sky Subdivision, Phase 11. Elkins, responding to a request from Alderman Hadcock, indicated that the plat was originally approved under the old regulations, but the developer has asked to have it considered under the new requirements; which requires that sidewalks be put in place at the time a building permit is issued and prior to a Certificate of Occupancy. In addition, the applicant has posted a Letter of Credit for surety for those improvements. Upon a vote being taken, motion carried.

Hadcock moved, second by LaCroix and carried to open public comment on Items 64 – 80. Steven Brenden, Rapid City addressed item #68 (LF021308-15), indicating his concern over the interest rate increasing on TID #46. Jim Pahl, West River Electric addressed item #69 (LF013008-08), indicating his availability to answer questions. Pennington County Sheriff Don Holloway addressed item #71 (PW011508-01), indicating his support of the lot paving and availability to answer questions. Ross Olson, Modern House Movers addressed item #76 (LF013008-25), indicating that the denial of his license was recommended because of his inability to pay for police escorts. He also indicated that he has paid everything to date. Olson asked that his House Mover License be renewed. Phillip Squillace, Event Co-Chairman for SDSMT AIChE addressed item #80 (CC021908-03), explaining that this is the second annual event; a fund raiser for students of the chapter; and it is scheduled to begin at the School of Mines and end on Mt. Rushmore Road. Squillace pointed out a traffic problem for participants when crossing Fifth Street at Saint Cloud Street. LaCroix moved, second by Olson and carried to close public comment on Items 64 – 80.

#### **NON-CONSENT ITEMS** – Items 64 - 80

#### **ORDINANCES**

Ordinance No. 5369 (No. LF021308-05), Requiring Background Checks for Peddlers by Amending Chapter 5.48 of the Rapid City Municipal Code was introduced. Hadcock moved,

second by Chapman and carried that first reading of Ordinance No. 5369 be continued to the March 3, 2008 Council meeting.

Ordinance No.5370 (No. 08OA001), Adding Non-Overnight Dog Kennels and Corrals for Transitory Animals as a Conditional Use by Amending Section 17.18.030 of the Rapid City Municipal Code was introduced. Hadcock moved, second by LaCroix and carried that Ordinance No. 5370 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 3, 2008.

Ordinance No. 5365 (No. LF013008-18A), to Update the City's Campaign Finance Disclosure Requirements by Amending Chapter 2.32 of the Rapid City Municipal Code having passed first reading on February 4, 2008, Hadcock moved, second by Olson that the title be read the second time. The following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Chapman, Weifenbach, Olson, and Kroeger; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5365 was declared duly passed upon its second reading.

### **GROWTH MANAGEMENT DEPARTMENT ITEMS**

Hadcock moved, second by Olson to (No. CC021908-04), authorize the Mayor and Finance Officer to Sign Meter Pit Operations and Maintenance Agreement with Elk Vale Business Park - Doyle Estes, Elk Vale Business Park. Motion carried with Alderman LaCroix abstaining.

### **LEGAL & FINANCE COMMITTEE ITEMS**

The Mayor presented (No. LF021308-15), Tax Increment District No. 46 assignment to Black Hills Community Bank (previously held by Rawlins National Bank); whereupon Hadcock moved, second by LaCroix to approve. Responding to questions from the Council, City Attorney Green indicated that while the assignment is changing, the interest rate remains at nine percent. He explained that the City is already obligated to a Project Plan and through the Developer's Agreement to pay the nine percent; and if the Council does not want to approve the assignment, the City will still be obligated to pay for those interest expenses; but rather than paying them directly to the institution, they will be paid directly to the developer who will then forward it to the institution. He also indicated that it is unknown whether a delay in approving will create a problem. If the City has money in the TIF fund then it will not be disbursed to the bank at this time, which may result in some additional interest charges. Alderman Weifenbach indicated that originally this was a variable rate and then the rate was fixed at nine percent, resulting in a rate increase. Responding to a question from Alderman Olson, Elkins indicated that the TIF Policy Committee is reviewing the existing policies and will formulate their recommendations that will come before the City Council. She indicated that one of the recommendations will make it clear that it would be a one-half percent over an established rate, not to exceed a certain amount in the policy and in the project plan. Alderman Johnson asked for the variable rate and indicated that without the information, he could not support the motion to approve. He suggested that Tax Increment Districts are a good economic tool for the community, but it concerned him when it became a cash-cow for certain financial institutions. Upon a vote being taken to approve, motion carried with Alderman Johnson voting NO.

Hadcock moved, second by Johnson and carried to (No. LF013008-08), authorize the Mayor and Finance Officer to sign Renewal Agreement with Black Hills Electric Cooperative and West River Electric Association to reduce the gross receipts tax paid by each from 2% to 1%.

The Mayor presented (No. LF021308-23), a Resolution Recognizing Charitable Donation by Dan and Lori Smith. The following resolution was introduced, read, and Hadcock moved its adoption:

RESOLUTION ACKNOWLEDGING CHARITABLE DONATION OF LAND  
TO THE CITY OF RAPID CITY

WHEREAS, the City of Rapid City owns certain property on Skyline Drive known as Dinosaur Park; and

WHEREAS, Dan Smith and Lori Smith ("the Smiths") owned property adjacent to the Dinosaur Park property legally described as:

Lots A, B, & C of Dino Subdivision, formerly a portion of Lot Two (2) in Block Thirteen (13) of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>) of Section Two (2) in Township One North (T1N) of Range Seven East (R7E) of the Black Hills Meridian, in the City of Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 35, Page 9; and

WHEREAS, the City of Rapid City has acquired Lot C from the Smiths; and

WHEREAS, the City and the Smiths agree that the purchase price paid by the Smiths to the City is less than the fair market value of the Lot C.

NOW, THEREFORE, BE IT RESOLVED by the Rapid City Common Council that the City of Rapid City acknowledges and accepts a charitable donation from Dan and Lori Smith in the amount of FIFTEEN THOUSAND DOLLARS (\$15,000.00), which represents the difference between the fair market value of Lot C as described above and the compensation paid to the Smiths by the City.

Dated this 19th day of February, 2008.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

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

**PUBLIC WORKS COMMITTEE ITEMS**

LaCroix moved, second by Hadcock and carried to (No. PW011508-01), authorize staff to advertise for bids for RU Lots Paving (Friendship House) Project No. ST07-1649.

For discussion purposes, LaCroix moved, second by Johnson to approve a request that Public Works staff research the possibility of creating a laboratory technician position and to report findings at the second Public Works Committee Meeting in May. Public Works Director Jablonski reported initial steps in researching the creation of a laboratory position. He indicated that necessary equipment may cost an estimated \$340,000, and the lab position may be Grade 19 and \$45,000 annually, without benefits. He explained that at this time there are no estimated costs for lab space, lab furnishings, transportation, and on-going costs for service agreements for equipment and certification for personnel and equipment. Jablonski indicated that there could be a capital outlay of approximately \$700,000 - \$800,000 to start a lab and hire personnel. Alderman Johnson indicated his support of this research by staff and suggested there is a need to know how many other City departments could use a lab tech. He indicated that the life-cycle cost is more important than the start-up cost. Responding to questions from Alderman Chapman, Jablonski pointed out that the Council approved an annual consultant contract for \$45,000 for environmental monitoring. Jablonski explained that under the City's solid waste permit, the City must perform analytical and environmental analysis of leachate, monitoring wells, and compost and report the findings to the State. Jablonski, responding to a question from Alderman Hadcock, indicated that the position is expected to be more than a technician, it will take an analytical chemist; and on the surface, it looks to be expensive. Alderman Hadcock pointed out that it will cost the City more money, plus the research time and there is no cost savings or benefit. Alderman Olson indicated her support of contracting with the private sector to perform this environmental monitoring. Jablonski, responding to a question from Alderman Chapman, indicated that his department would not advocate for this position during budget discussions and reminded the members that this position is proposed by the Committee. Upon a vote being taken on the motion to approve, motion failed with Johnson voting AYE.

LaCroix moved, second by Hadcock to table a request that Public Works staff research the possibility of creating a laboratory technician position and to report findings at the second Public Works Committee Meeting in May. Motion carried.

## **BIDS**

The following companies submitted bids for (No. CC021908-02) Mall Drive Water Transmission Main Project No. W04-1260 / CIP No. 50344 opened February 12, 2008: Shovelhead Excavating, Inc., Mainline Contracting, Inc., Hills Materials Company, Quinn Construction, Inc., Lind-Exco, Inc., Grizzly Excavation, Inc., Site Work Specialists, Inc., and Highmark, Inc. Staff reviewed the bids and recommends the bid award to Grizzly Excavation, Inc. Hadcock moved, second by Chapman and carried to approve the bid award for Mall Drive Water Transmission Main Project No. W04-1260 to the lowest responsible bidder meeting specifications, Grizzly Excavation, Inc. for the unit prices bid for a total contract amount of \$506,305.66.

The following companies submitted bids for No. CC021908-02 - East Mall Drive Connection – North LaCrosse Street to East North Street Project No. ST06-1334b / CIP No. 50521, SDDOT Project No. EM 1608(3) – PCN 012F opened February 12, 2008: Site Work Specialists, Heavy Constructors, T & R Contracting, Knife River Midwest, Lind-Exco, and Zandstra Construction. Staff reviewed the bids and recommends the bid award to Knife River Midwest. Hurlbut moved, second by Hadcock to approve the bid award for East Mall Drive Connection – North LaCrosse Street to East North Street Project No. ST06-1334b to the lowest responsible bidder meeting specifications, Knife River Midwest for the unit prices bid for a total contract amount of \$6,534,833.96. Alderman Johnson outlined the bids proposed by the other companies and

suggested that Knife River is not the lowest responsible bidder; and questioned whether specific alternates were chosen to ensure that Knife River would be the apparent low bidder. Responding to a request from the Chair, Jablonski explained that the Advertising Authority for this project is \$6,592,466 and the Engineer's Estimate is \$7,528,151.11; making the estimate higher than the Advertising Authority. He indicated that the decision was made to alternate bid some items in order to meet the budget. Jablonski outlined the alternates as construction of the four intermediate intersection footprints; installation of sidewalk and bike path; and installation of street lighting. He explained that when the bids came in, there was an estimated \$372,000 that could be applied to the alternates. He pointed out that just about any one of the three alternates could have been picked; and regardless of which one of the three that was picked and applied to the base bid, Knife River was still the lowest accumulative bidder. Responding to a question from Alderman Weifenbach, Jablonski indicated that the City does not have experience with Knife River.

Substitute motion was made by Weifenbach, second by Johnson to continue the bid award to the March 3, 2008 Council meeting.

At the request for Alderman Hadcock, Jablonski, using the overhead, outlined the bid submittals and explained that Alternate E1, E2, E3 are for electrical lighting and these alternates were selected to be awarded. These alternate costs were applied to all base bids and Knife River is the apparent low bidder. Jablonski indicated that staff also looked at the alternates for the intersection footprints, sidewalks and lighting and Knife River is the low bidder for all three scenarios; and to the best of staff's knowledge, Knife River is a legitimate contractor. Responding to a question from Alderman Chapman, Preston indicated that the City has thirty days from the bid opening to award the project. Jablonski, responding to a question from Alderman Chapman, indicated that staff would have recommended only awarding the base bid, if the bid would have come near the Advertising Authority. Responding to a question from Alderman Weifenbach, Jablonski indicated that there is a bonding process and the bonding companies investigate the viability of the contractors.

Upon a roll call vote on the motion to continue, the following voted AYE: Johnson, Hurlbut, and Weifenbach; NO: LaCroix, Hadcock, Chapman, Olson, and Kroeger. Motion failed.

Substitute motion was made by Olson, second by Hurlbut to refer the bid award to the February 27, 2008 Legal and Finance Committee meeting. Motion carried.

The following companies submitted bids for No. CC021908-02 – Anamosa Street Reconstruction, Phase 1 (Milwaukee Street to LaCrosse Street) Project No. SSW05-1471 / CIP No. 50518 and No. P 1648 (00), PCN H020 opened February 12, 2008: Mainline Contracting, Hills Materials, Heavy Constructors, and Highmark. Staff reviewed the bids and recommends the bid award to Hills Materials. Hurlbut moved, second by Chapman and carried to approve the bid award for Anamosa Street Reconstruction, Phase 1 (Milwaukee Street to LaCrosse Street) Project No. SSW05-1471 to the lowest responsible bidder meeting specifications, Hills Materials for the unit prices bid for a total contract amount of \$1,980,025.68.

### **MAYOR'S ITEMS**

Mayor Hanks reported that the Pennington County Commission has been approached and a presentation given on dealing with septic tanks. He pointed out that over the past several years

there has been an effort, within the City's watershed, to make certain that all septic systems are functioning properly so as not to contaminate the water.

Septic Tank Coordinator Louie Arguello gave a brief presentation regarding On-Site Wastewater Management. Arguello began by offering several quotes, "septic systems constitute the single largest source of groundwater contamination in the State of New Mexico and have contaminated more public/private water supply wells than all other sources combined"; and, "according to EPA reports the leading polluter of drinking water systems is untreated wastewater from failing septic tanks and small sewer systems". He indicated that there are local concerns as well.

With the aid of an overhead he demonstrated a properly designed drainfield and shared the findings of the West Dakota Septic Study that illustrated failing systems and polluted water. Arguello indicated that the concern for Rapid City is that nitrates levels are a rising trend, but are well below the EPA standards.

Arguello explained that the City's program needed to identify on-site wastewater systems, and that has been done. Now the City is permitting, updating a database, and setting up inspections. He indicated that the City identified thirty-seven percent of the people that had a receipt on file; thirty-four percent permitted; eighteen percent on-going but in compliance; ten percent of the systems were failures and have been or are being repaired; and two percent who are not in compliance. He stressed that a critical component of the program is education as it adds to the success of the program. He explained that the program begins with an observation form being completed in the field; and if there is a problem, the property owner will be contacted to get the problem corrected. Arguello pointed out that the program is self-funded and funded through the permitting fees and systems are permitted every three years.

Responding to a question from Alderman Johnson, Arguello explained that the failures included such things as a need for standard maintenance to the extreme of having systems replaced. Alderman Chapman recommended that the presentation be given to service organizations and neighborhood groups where there are septic systems. Mayor Hanks explained that the presentation was made to the County and a request made of them to do one of two things -- either come to the City and let the City help them put together their own program; or allow the City to extend the program from the one mile limit to Highway 385. He indicated that the presentation was well received by the County Commission and with a unanimous vote asked the City to come back with a formal presentation in March.

Hadcock moved, second by Olson to direct staff to come back to Public Works with a formal presentation and recommendation that can be forwarded onto the County Commission. Motion carried.

The Mayor presented a Resolution Supporting Enabling Legislation to Allow Municipalities to Permit the Sale of Beverages on Sidewalks. The following resolution was introduced, read, and Hurlbut moved its adoption:

RESOLUTION SUPPORTING ENABLING LEGISLATION TO ALLOW MUNICIPALITIES TO  
PERMIT THE SALE OF BEVERAGES ON SIDEWALKS

WHEREAS, the Rapid City Common Council finds that a vibrant downtown area fosters the growth and development of the community by creating a vibrant and inviting atmosphere; and

WHEREAS, the Rapid City Common Council wishes to encourage the growth and development of the City; and

WHEREAS, the City of Rapid City currently authorizes the placement of tables and chairs on sidewalks in the downtown area for the public convenience; and

WHEREAS, the City of Rapid City regulates the sale of alcoholic beverages within the City in accordance with the requirements of the South Dakota Codified laws; and

WHEREAS, the South Dakota Legislature is currently considering legislation to empower municipalities to authorize, subject to appropriate regulation, the service of alcoholic beverages on sidewalks adjacent to premises licensed to serve alcoholic beverages; and

WHEREAS, the Rapid City Common Council believes that legislation empowering municipalities to authorize and regulate the service of alcoholic beverages on sidewalks adjacent to premises licensed to serve alcoholic beverages will significantly contribute to the growth and development of the City as a whole.

NOW, THEREFORE, BE IT RESOLVED by the Rapid City Common Council that the City of Rapid City supports legislation to empower municipalities to authorize, subject to appropriate regulation, the service of alcoholic beverages on sidewalks adjacent to premises licensed to serve alcoholic beverages.

Dated this 19th day of February, 2008.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

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

**APPEALS - License application appeals**

The Mayor presented (No. LF013008-25), a request to deny a House Mover License for Ross Olson of Modern House Movers. For discussion purposes Kroeger moved, second by Olson to uphold the denial of a House Mover License for Ross Olson, Modern House Movers. Growth Management Director Elkins indicated that at the request of the Committee, background information is provided on the specifics of the case. Alderman Chapman pointed out that the sole reason for the denied is because a bill for police escort services was not paid; but staff indicates that the bill has now been paid.

Substitute motion was made by Chapman, second by Hadcock to overturn the denial and approve a House Mover License for Ross Olson, Modern House Movers. Alderman LaCroix

indicated his support of overturning the denial, and suggested that there is some confusion about the determination of a need for a police escort. Responding to questions from Alderman Weifenbach, Olson indicated that he has been in the hose moving business for ten years and this is his first incidence with the City. Upon a vote being taken on the motion to approve, motion carried.

The Mayor presented (No. LF013008-26), a request to deny of House Mover License for Russell Puckett of Medicine Root Development. Kroeger moved, second Olson and carried to uphold the denial of a House Mover License for Russell Puckett, Medicine Root Development.

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

LaCroix moved, second by Hurlbut and carried to continue (No. CC110507-03), 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 to the March 3, 2008 Council meeting.

LaCroix moved, second by Hadcock and carried to continue (No. CC110507-04), 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 to the March 3, 2008 Council meeting.

### ***Other Appeals Heard by the Council***

LaCroix moved, second by Olson to (No. CC021908-03), uphold the denial of Dublin Dash 5K Run/Walk to be held March 8, 2008. Responding to questions from Alderman Weifenbach, Police Chief Allender indicated that he believed there is an alternative route for this event. Phillip Squillace, Event Co-Chairman for SDSMT AICHe indicated that an alternative route is the bike path, but the concern is for the safety of the participants when crossing East Saint Joseph, Omaha and Main Streets. Alderman Johnson believed the request to be reasonable suggesting that two police offers and a forty-five minute time span is not out-of-order to assist the participants to cross Fifth Street during this event.

Substitute motion was made by Johnson, second by Hadcock to overturn the denial and approve the Event Permit for the Dublin Dash 5K Run/Walk to be held March 8, 2008. Motion carried.

### **PUBLIC HEARING ITEMS – Items 81 – 124**

Olson moved, second by Chapman and carried to open the public hearing on items 81 – 124. Fred Weishaupl, Rapid City addressed item #117 (07PD099), indicating his concern with buildings being constructed in the 100 Year Floodplain. He suggested the buildings will impede the flow of water causing flooding upstream and downstream. He also pointed out that the bridge that crosses the creek will act as dam when debris is lodged under and against the bridge. Lawrence M. Kostaneski, representing Founders Parks addressed item #117 (07PD099), indicating his availability to answer questions. Les Stadel, Rapid City addressed item #123 (08SV002), indicating his concern with the development of an adjacent property

suggesting that drainage will be an issue. Cindi Wanek, Rapid City addressed item #123 (08SV002), indicating her concern about the impact on her property, suggesting that any change in the landscape may cause a drainage problem.

**CONTINUED PUBLIC HEARING CONSENT ITEMS** – Items 81 - 112

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

91. No. 07PL147 - A request by Fisk Land Surveying & Consulting Engineers for Thomas E. Lien for a **Preliminary Plat** on Lots 2 thru 4 of LJS Subdivision, located in the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the N1/2 NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2310 North Maple Avenue.

98.A. Authorize the Mayor and Finance Officer to sign the waiver of right to protest any future assessment for the installation of water along North Maple Avenue as it abuts the property

99. No. 07SV062 - A request by Fisk Land Surveying & Consulting Engineers for Thomas E. Lien for a **Variance to the Subdivision Regulations to waive the requirement to provide water, sewer and sidewalk along Maple Avenue as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2 thru 4 of LJS Subdivision, located in the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the N1/2 NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2310 North Maple Avenue.

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

***Continue the following items until March 3, 2008:***

81. No. 07CA055 - A request by City of Rapid City for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Rural Reserve to General Commercial** on a portion of Section 21, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 21, 22, 27, and 28, T2N, R8E, BHM, thence N00°04'09"W. along the section line common to Sections 21, and 22, a distance of 530.00 feet to the point of beginning; Thence, first course: S89°55'51"W, a distance of 449.12 feet; Thence, second course: N00°07'41"W, a distance of 860.00 feet; Thence third course: N89°55'51"E, a distance of 450.00 feet, to a point on the section line common to Sections 21, and 22; Thence, fourth course: S00°04'09"E, along the section line common to Sections 21, and 22, a distance of 860.00 feet, to the point of beginning, located north of Seger Drive and west of Elk Vale Road.

82. No. 07CA056 - A request by City of Rapid City for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Rural Reserve to Light Industrial** on a portion of Section 21, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 2R of Beaird Subdivision and the point of beginning, Thence, first course: S74°37'29"E, a distance of 1202.78 feet; Thence, second course: S31°45'55"E, a distance of 1162.49 feet; Thence, third course: S90°00'00"W, a distance of 439.54 feet; Thence, fourth

course: N00°00'00"E, a distance of 428.29 feet; Thence, fifth course: N37°32'29"W, a distance of 394.90 feet; Thence, sixth course: N62°35'52"W, a distance of 1229.50 feet, to the southeasterly corner of Lot 2R of Beard Subdivision and the point of beginning, located north of Seger Drive and west of Elk Vale Road.

83. No. 07CA057 - A request by City of Rapid City for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Public to Light Industrial** on a portion of Section 21, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at section corner common to Sections 20, 21, 28, and 29 T2N, R8E, BHM, thence N00°02'15"W, a distance of 521.16 feet to the point of beginning, Thence, first course: N00°02'15"W, along the section line common to Sections 20 and 21, a distance of 941.15 feet; Thence, second course: S48°29'18"E, a distance of 331.54 feet; Thence, third course: S83°10'38"E, a distance of 304.61 feet; Thence, fourth course: N88°20'00"E, a distance of 1840.91 feet; Thence, fifth course: N60°21'45"E, a distance of 305.29 feet; Thence, sixth course: N00°00'00"E, a distance of 1256.52 feet; Thence seventh course: N90°00'00"E, a distance of 439.54 feet; Thence eighth course: S31°45'55"E, a distance of 187.71 feet; Thence ninth course: S70°52'51"E, a distance of 832.49 feet; Thence tenth course: S00°00'00"E, a distance of 1709.19 feet; Thence eleventh course: S89°55'51"W, a distance of 3980.51 feet, to a point on the section line common to Sections 20 and 21, and the point of beginning, located north of Seger Drive and west of Elk Vale Road.
84. No. 07CA059 - A request by City of Rapid City for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Rural Reserve to Light Industrial** on a portion of Section 21, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 21, 22, 27, and 28, T2N, R8E, BHM, thence, N00 04'09"W, a distance of 1390.00 feet to the point of beginning; Thence, first course: S89 55'51"W, a distance of 450.00 feet; Thence, second course: S00 07'41"E, a distance of 860.00 feet; Thence, third course: S89 55'51"W, a distance of 873.79 feet; Thence, fourth course: N00 00'00"E, a distance of 1709.19 feet; Thence, fifth course: S70 52'51"E, a distance of 73.39 feet; Thence, sixth course: S20 31'58"E, a distance of 434.44 feet; Thence seventh course: N89 55'51"E, a distance of 1099.64 feet, to a point on the section line common to sections 21, and 22; Thence eighth course: S00 04'09"E, along the section line common to sections 21 and 22, a distance of 418.04 feet, to the point of beginning, located north of Seger Drive and west of Elk Vale Road.
85. 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.
86. 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.

87. 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.
88. No. 07PL116 - A request by Sperlich Consulting, Inc. for James Letner for a **Layout Plat** on Lots 1 thru 8 of Market Square Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Lot 3 of Tract D, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Creek Drive and East St. Patrick Street.
89. No. 07PL134 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southern terminus of Dreamscape Drive.
90. 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.
92. 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.
93. 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.
94. 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.

95. 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 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.
96. No. 07RZ058 - Second Reading, Ordinance No. 5328, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Don Jiracek for a **Rezoning from Medium Density Residential District to General Commercial District** on Lots 1 thru 2 of Block 2 of North Boulevard Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 409 West Boulevard.
97. No. 07SV057 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the Dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southern terminus of Dreamscape Drive.
98. 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.
100. No. 07SV070 - A request by Sperlich Consulting, Inc. for James Letner for a **Variance to the Subdivision Regulations to waive the requirement to dedicate ten additional feet of right-of-way along East St. Patrick Street; to waive the requirement to dedicate seventeen additional feet of right-of-way along Creek Drive adjacent to proposed Lot 8; to install additional pavement, curb, gutter, sidewalk and street light conduit along Creek Drive; to install sidewalk along the south side of East St. Charles Street; and, to provide a planting screen easement along East St. Patrick Street and Creek Drive** on Lots 1 thru 8 of Market Square Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Lot 3 of Tract D located in the SW1/4 of the SW1/4,

Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1624 East St. Patrick Street.

101. 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.
102. 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.
103. 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.

104. No. 08PL001 - A request by Black Hills Surveying for Duane Hosek for a **Preliminary Plat** on Lots 1 and 2 of Hosek Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as all of Block 24 of Mahoney Addition, less the west 25 feet, less the south eight and one half feet and the east eight and one half feet, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1509 Midway.
105. No. 08PL002 - A request by Dream Design International, Inc. for Robert Sundby for a **Preliminary Plat** on Lots 1 and 2 of Sammi's Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 of Lot 8 of the E1/2 NE1/4, less Lot H1, of the E1/2 of Lot 8 of the E1/2 of the NE1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4961 Sheridan Lake Road.
106. No. 08RZ002 - Second Reading, 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 to Medium Density Residential** 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.

107. No. 08RZ003 - Second Reading, 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 to Medium Density Residential** 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.
108. No. 08SV001 - A request by Black Hills Surveying for Duane Hosek for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk and reduce the pavement width from 27 feet to 24 feet and to dedicate additional Right-of-Way along Midway Street; and a Variance to the Subdivision Regulations to waive the requirement to install sidewalk and to reduce the pavement width from 27 feet to**

**24 feet and to dedicate additional Right-of-way along Patton Street as per Chapter 16 of the Rapid City Municipal Code** on Lots 1 and 2 of Hosek Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as all of Block 24 of Mahoney Addition, less the west 25 feet, less the south eight and one half feet and the east eight and one half feet, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1509 Midway.

***Continue the following items until March 17, 2008:***

109. 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.
110. 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.
111. 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.

***Continue the following items until April 7, 2008:***

112. 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 Highway 16 and south of Sammis Trail.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

The Mayor presented No. 07PL147, a request by Fisk Land Surveying & Consulting Engineers for Thomas E. Lien for a **Preliminary Plat** on Lots 2 thru 4 of LJS Subdivision, located in the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the N1/2 NW1/4, Section 30, T2N, R8E, BHM,

Rapid City, Pennington County, South Dakota, located at 2310 North Maple Avenue. LaCroix moved, second by Hadcock and carried to approve the Preliminary Plat with the following revised stipulations: 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; 2. Prior to Preliminary Plat approval by the City Council, construction plans for North Maple Avenue shall be submitted for review and approval. In particular, the construction plans shall show sidewalk and water along all of North Maple Avenue as it abuts the property or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, the water plans shall be revised to show the extension of a water main from proposed Lot 3 to the intersection of Disk Drive and North Maple Avenue to provide a looped system. In addition, the water main shall be constructed prior to City Council approval of a Preliminary Plat for proposed Lot 4; 4. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the new sanitary sewer service to proposed Lots 2 and 4 as shown on the Master Utility Plan; 5. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the existing eight inch water main and the existing eight inch sewer main on Sheet 1 of 1; 6. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the existing water main extending south from East Mall Drive to proposed Lot 3 within a public utility easement or a miscellaneous document shall be recorded at the Register of Deed's Office creating the public utility easement and a copy submitted to the Growth Management Department; 7. Prior to Preliminary Plat approval by the City Council, a revised cost estimate shall be submitted for review and approval; 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show the existing 20 foot wide utility easement along the south lot line of Lot 2. In addition, the plat document shall be revised to show a three foot wide public utility easement along the west lot line of proposed Lot 2 to accommodate the sanitary sewer main location within North Maple Avenue as it abuts this portion of the property; 9. Prior to submittal of a Final Plat application, the plat document shall be revised to read "North Maple Avenue" in lieu of "Maple Avenue"; 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.

LaCroix moved, second by Hadcock and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest any future assessment for the installation of water along North Maple Avenue as it abuts the property (07SV062)

The Mayor presented No. 07SV062, a request by Fisk Land Surveying & Consulting Engineers for Thomas E. Lien for a **Variance to the Subdivision Regulations to waive the requirement to provide water, sewer and sidewalk along Maple Avenue as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2 thru 4 of LJS Subdivision, located in the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the N1/2 NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2310 North Maple Avenue. LaCroix moved, second by Chapman and carried that the Variance to the Subdivision Regulations to waive the requirement to install water along North Maple Avenue be approved with the following stipulations: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and, 2. Prior to Preliminary Plat approval by the City Council, the water plans shall be revised to show the extension of a water main from

proposed Lot 3 to the intersection of Disk Drive and North Maple Avenue to provide a looped system; that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of North Maple Avenue be approved with the following stipulation: 1. A sidewalk shall be provided along the north side of the street; and, that the Variance to the Subdivision Regulations to waive the requirement to install sanitary sewer along North Maple Avenue be denied without prejudice.

Johnson moved, second by Chapman and carried to close the public hearing on items 81 – 124.

### **CONSENT PUBLIC HEARING ITEMS** – Item 113 - 116

The following items were removed from the Consent Public Hearing Items;

113. Laural A. Hawkins dba **RAXX Billiards**, 2310 N. Maple Avenue for a Retail (On-Off Sale) Malt Beverage License NO Video Lottery (*continued 11/19/07; 12/17/07; 02/04/08*)

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

### **ALCOHOL LICENSES**

114. Debra J. Erickson dba **Corner Pantry – LaCrosse Street**, 2130 LaCrosse Street for a Package (Off Sale) Liquor License TRANSFER from Kraft Farms, Inc. dba Corner Pantry – LaCrosse Street, 2130 LaCrosse Street
115. **Central Baseball Association** for a special Beer License for an event scheduled March 29, 2008 at Army National Guard Armory, 2823 West Range Road

### **ASSESSMENT ROLLS**

116. No. LF011608-15 – Approve 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 19th day of February, 2008.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks

(SEAL)

#### END OF CONSENT PUBLIC HEARING CALENDAR

Hadcock moved, second by Johnson and carried 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 March 17, 2008 Council meeting.

#### **NON-CONSENT PUBLIC HEARING ITEMS** – Items 117 – 124

The Mayor presented No. 07PD099, an appeal of the Planning Commission's decision on a request by Williams & Associates Architects, Inc. for Founder's Park, LLC for a **Planned Commercial Development - Final Development Plan** on the W1/2 NW1/4 SE1/4 and Block 1 of North Riverside Addition, less Founder's Park Subdivision and Lot 1 of Founder's Park Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located between Founder's Park Drive and Rapid Creek. Hadcock moved, second by LaCroix to uphold the Planning Commission's decision and approve the Planned Commercial Development - Final Development Plan with the following stipulations: 1. Prior to approval by Planning Commission the applicant shall submit a site lighting plan and a phasing plan for review and approval; 2. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy; 3. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Commercial Development Plan; 4. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development Plan. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to a Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign; 5. The provisions of the Landscape Ordinance shall be continually met. In addition all landscaping shall be maintained in a live, vegetative state; 6. All applicable provisions of the International Fire Code Shall be continually met; 7. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan; and, 8. The Planned Commercial Development- Final Development Plan shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. Growth Management Director Elkins, responding to a question from Alderman Johnson, indicated that a very narrow corner of the development project is in the hydraulic floodway; but there are no

structures proposed for that area. She also indicated that the applicant has submitted the Floodplain Development Permit and that it had been reviewed and approved in accordance with all adopted regulations. Motion carried.

The Mayor presented No. 07SV022, a request by Fisk Land Surveying & Consulting Engineers, Inc. for Alan A. Neiger for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, and to reduce the pavement width from 26 feet to 21 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 Revised and Lot of Block 5 of Highland Park Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 5 (less Lot H1) and the balance of Block 5 of Highland Park Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Highland Park Drive and Mount Rushmore Road. LaCroix moved, second by Olson and carried to deny without prejudice at the applicant's request.

The Mayor presented No. 07SV053, a request by Paul Lindstrom for a **Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2A and 2B of Watersedge Subdivision, located in the NE1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Watersedge Subdivision, located in the NE1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1810 Rand Road. LaCroix moved, second by Johnson and carried to deny without prejudice.

LaCroix moved, second by Johnson and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit and sewer along Sand Lane as it abuts Lot 4R of High Sheridan Ranch Subdivision, Section 35, T1N, R6E, BHM, Pennington County, South Dakota, located at 23435 Sand Lane. (07SV064)

The Mayor presented No. 07SV064, a request by Britton Engineering and Land Surveying, Inc. for Raymond J. Crawford, III for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Lot 4R of High Sheridan Ranch Subdivision, Section 35, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 4R of High Sheridan Ranch Subdivision, Section 35, T1N, R6E, BHM, Pennington County, South Dakota, located at 23435 Sand Lane. LaCroix moved, second by Johnson and carried that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment of the improvements.

The Mayor presented No. 08CA003, a request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture District to Heavy Industrial District with a Planned Industrial Development** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot 7 of Marlin Industrial Park, common to a point on the southerly edge

of right-of-way of Marlin Drive, and the point of beginning; Thence, first course: N04°18'35"W, a distance of 29.56 feet, to a point on the centerline of Marlin Drive; Thence, second course: curving to the left, along the centerline of Marlin Drive, on a curve with a radius of 3000.00 feet, a delta angle of 07°43'51", a length of 404.79 feet, a chord bearing of N81°52'30"E, and chord distance of 404.48 feet; Thence, third course: N78°00'34"E, along the centerline of Marlin Drive, a distance of 95.10 feet, to intersection of centerline of Marlin Drive and Creek Drive; Thence fourth course: curving to the left, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of S17°40'09"E, and chord distance of 197.91 feet, to the end of previously dedicated Creek Drive; Thence fifth course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of S23°55'17"E, and chord distance of 20.01 feet; Thence sixth course: curving to the left, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of S28°46'30"E, and chord distance of 89.57 feet; Thence seventh course: S56°56'40"W, a distance of 50.00 feet; Thence eighth course: curving to the right, on a curve with a radius of 650.00 feet, a delta angle of 02°21'34", a length of 26.77 feet, a chord bearing of N31°52'33"W, and chord distance of 26.76 feet; Thence ninth course: S59°18'14"W, a distance of 311.85 feet; Thence tenth course: S08°30'44"E, a distance of 235.10 feet, to a point on the section 1/16 line; Thence eleventh course: N89°56'36"W, along the along the section 1/16 line, a distance of 313.37 feet, to the southeasterly corner of said Lot 7; Thence twelfth course: N00°01'20"E, along the easterly boundary of said Lot 7, a distance of 574.90 feet, to the northeasterly corner of said Lot 7, common to a point on the southerly edge of Marlin Drive right-of-way, and the point of beginning, located southwest of the intersection of Marlin Drive and Creek Drive. LaCroix moved, second by Johnson and carried to approve.

The Mayor presented No. 08SV002, a request by Dream Design International, Inc. for Robert Sundby for a **Variance to the Subdivision Regulations to waive the requirement to provide drainage, grading and erosion control plans as per Chapter 16.12.210 of the Rapid City Municipal Code; and to reduce the width from 49 feet to 30 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the 30 foot wide private access and utility easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Sammi's Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 of Lot 8 of the E1/2 NE1/4, less Lot H1, of the E1/2 of Lot 8 of the E1/2 of the NE1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4961 Sheridan Lake Road. LaCroix moved, second by Johnson that the Variance to the Subdivision Regulations to waive the requirement to provide drainage, grading and erosion control plans as per Chapter 16.12.210 of the Rapid City Municipal Code be denied; and, that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the 30 foot wide private access and utility easement as per Chapter 16.16 of the Rapid City Municipal Code be approved. Responding to questions from the Council and audience, Growth Management Director Elkins, using an overhead, outlined the land proposed to be platted into two lots with a flagpole access; and explained that the landowner is required to file a plan for drainage, grading and erosion control. She also explained that the landowner will not be required to make improvements to a 30 foot wide private access and utility easement, because the landowner is not legally allowed to use the private access. Elkins noted that a well site encroaches into the private access easement. Alderman Olson suggested that staff and Planning Commission made a wise decision and this drainage, grading and erosion control plan needs to be part of what comes forward. She noted that she is aware of homes

along Sheridan Lake Road being impacted by drainage from other home construction sites. Motion carried.

The Mayor presented No. 08RZ001, second reading of Ordinance No. 5366, 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 to Heavy Industrial** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot 7 of Marlin Industrial Park, common to a point on the southerly edge of right-of-way of Marlin Drive, and the point of beginning; Thence, first course: N04°18'35"W, a distance of 29.56 feet, to a point on the centerline of Marlin Drive; Thence, second course: curving to the left, along the centerline of Marlin Drive, on a curve with a radius of 3000.00 feet, a delta angle of 07°43'51", a length of 404.79 feet, a chord bearing of N81°52'30"E, and chord distance of 404.48 feet; Thence, third course: N78°00'34"E, along the centerline of Marlin drive, a distance of 95.10 feet, to intersection of centerline of Marlin Drive and Creek Drive; Thence fourth course: curving to the left, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of S17°40'09"E, and chord distance of 197.91 feet, to the end of previously dedicated Creek Drive; Thence fifth course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of S23°55'17"E, and chord distance of 20.01 feet; Thence sixth course: curving to the left, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of S28°46'30"E, and chord distance of 89.57 feet; Thence seventh course: S56°56'40"W, a distance of 50.00 feet; Thence eighth course: curving to the right, on a curve with a radius of 650.00 feet, a delta angle of 02°21'34", a length of 26.77 feet, a chord bearing of N31°52'33"W, and chord distance of 26.76 feet; Thence ninth course: S59°18'14"W, a distance of 311.85 feet; Thence tenth course: S08°30'44"E, a distance of 235.10 feet, to a point on the section 1/16 line; Thence eleventh course: N89°56'36"W, along the along the section 1/16 line, a distance of 313.37 feet, to the southeasterly corner of said Lot 7; Thence twelfth course: N00°01'20"E, along the easterly boundary of said Lot 7, a distance of 574.90 feet, to the northeasterly corner of said Lot 7, common to a point on the southerly edge of Marlin Drive right-of-way, and the point of beginning, located southwest of the intersection of Marlin Drive and Creek Drive. Notice of hearing was published in the Rapid City Journal on February 9, 2008 and February 16, 2008. Ordinance No. 5366 having had the first reading on February 4, 2008; Hadcock moved, second by Johnson that the title be read the second time. The following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Chapman, Weifenbach, Olson, and Kroeger; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5366 the second time.

**BILLS**

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

Payroll Paid Ending 2-2-08, Paid 2-8-08	929,276.47
Payroll Paid Ending 2-2-08, Paid 2-8-08	2,969.60
Pioneer Bank, Taxes Paid 2-8-08	223,398.62
Pioneer Bank, Taxes Paid 2-8-08	214.91
South Dakota Retirement, Retirement Paid 2-7-08	361,895.52

**CITY COUNCIL**

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South Dakota Retirement, Retirement Paid 2-7-08	356.36
First Administrators, claims paid 2-5-08	94,558.41
First Administrators, claims paid 2-13-08	85,542.29
Berkley Risk Administrators, claims paid 2-7-08	40,187.85
Montana Dakota Utilities, gas	11,420.60
Black Hills Power & Light, electricity	11,734.89
Black Hills Electric Coop, electricity	592.84
West River Electric, electricity	27,310.80
United States Postmaster, postage	2,700.00
Computer Bill List	<u>3,666,046.31</u>
Subtotal	\$5,458,205.47

Payroll Paid Ending 2-2-08, Paid 2-8-08	2,841.98
Pioneer Bank, Taxes Paid 2-8-08	201.29
South Dakota Retirement, Retirement Paid 2-7-08	320.94
City of Rapid City, health insurance	1,294.50
City of Rapid City, postage	2.65
Prairiewave Communications, phone	28.93
Standard Life, life insurance	7.00
Western Stationers, copy paper	<u>2.92</u>
Subtotal	\$5,462,905.68

Cornerstone Properties, January bus barn rentals	<u>1,200.00</u>
Total	\$5,464,105.68

**EXECUTIVE SESSION** permitted by SDCL 1-25-2

Hurlbut moved, second by Chapman and carried to go into Executive Session at 9:40 P.M. for the reasons permitted by SDCL 1-25-2. The Council came out of Executive Session at 10:10 P.M. with all members present. No action was taken.

**ADJOURN**

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

ATTEST:

CITY OF RAPID CITY

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

\_\_\_\_\_  
Mayor

(SEAL)