

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

January 22, 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, January 22, 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, Ron Kroeger, and Sam Kooiker; and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: Bill Okrepkie.

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:

- Funding sources relating to Policy on Reimbursing the Owners of Private Sewer and Water Service Lines Serving Multiple Residences, Alderman Chapman
- Airport Update
- Approve Resolution in Support of a Replacement Higher Education Center, West River
- Approve Travel Request to Attend Municipal Day at the Legislature in Pierre, SD, February 5-6, 2008
- Water issues, Alderman Olson
- 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, water, sewer and pavement along Riley Avenue and Sunnyside Avenue as they abut the subject property.

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

APPROVE MINUTES

Chapman moved, second by Weifenbach and carried to approve the minutes for January 7, 2008.

AWARDS AND RECOGNITIONS

Mayor Hanks presented the Veteran for the Month of January, 2008 to Robert Kerner, and recognized his efforts and dedication to the service of his country and community.

Mayor Hanks presented Certificates of Recognition to retiring Administrative Secretary, Donna Winter and acknowledged her 17 years of service to the Rapid City Finance Department; and retiring Accident Investigator, Dwight Hall and acknowledged his 19 years of service to the Rapid City Police Department and thanked them for their dedication as public servants.

GENERAL PUBLIC COMMENT

Mike Derby, owner of Canyon Lake Resort addressed the Council pointing out that Canyon Lake needs to be dredged and must be taken care of in the near future. He also pointed out that the dam needs to be repaired. He reported that he contacted Game, Fish, and Parks and explained that there are monies available, that have been set aside, and those monies will sunset if the City does not move forward with a project. He also reminded the members that 2012 funds have also been set aside for a project. Derby told the members that he has a vested interest because his property is on the lake and he intends to develop a resort. Derby suggested that if it is appropriate to help get the project started, he may look for a TIF for his resort development.

Michael Lees, Black Hills Fly Fishers indicated that their goal is to get a better fishery below Canyon Lake and encouraged the Council to get the project started.

NON-PUBLIC HEARING ITEMS -- Items 3 - 73

Hadcock moved, second by LaCroix and carried to open public comment on Items 3 – 63. No comments were offered. Chapman moved, second by Olson and carried to close public comment on Items 3 – 63.

CONSENT ITEMS – Items 3 - 63

The following items were removed from the Consent Items:

19. No. LF011608-03A – Approve Travel Request for Malcom Chapman, Bill Okrepkie, Tom Johnson and Lloyd LaCroix to attend the 2008 Annual Congressional City Conference in Washington , D.C. , March 8-12, 2008 in the approximate amount of \$12,859.96

29. Approve Change Order to decrease the amount of the Contract of \$31,558.07 with Golden West for the Rapid City Fire Department telephone system by \$2,815 due to removal of a piece of equipment from the Contract

31. No. 07TI023 - Approve a request by CETEC Engineering Services for OS Development, Inc. to consider an application for a **Creation of Tax Increment District** on the S1/2 NE1/4, SE1/4 less Tract 1 of Bradeen Subdivision, Section 22, T1N, R8E; and the W1/2 NE1/4, SE1/4 NE1/4, NE1/4 NE1/4, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of S.D. Highway 44, west of Reservoir Road and east of Elks Meadows.

32. No. 07TI024 - Approve a request by CETEC Engineering Services for OS Development, Inc. to consider an application for a **Tax Increment District Project Plan** on the S1/2 NE1/4, SE1/4 less Tract 1 of Bradeen Subdivision, Section 22, T1N, R8E; and the W1/2 NE1/4, SE1/4 NE1/4, NE1/4 NE1/4, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of S.D. Highway 44, west of Reservoir Road and east of Elks Meadows.

35. No. LF011608-13 – Approve Resolution Writing off Credit Balance Water Billing Accounts

48. No. LF121207-28 – Approve Resolution Directing that City Staff Convert the Current Ten Hour Parking Meters Along Apolda Street to Two Hour Meters

51. No. LF011608-29 – Authorize Mayor and Finance Officer to sign Amendment to the Contract for Private Development Tax Increment District Number Fifty Four between DTH, LLC and the City of Rapid City, South Dakota

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

Alcoholic Beverage License Applications Set for Hearing (February 4, 2008)

3. **Rapid City Area Chamber of Commerce** for a special Beer & Wine License for an event scheduled February 21, 2008 at Slingsby and Wright Eye Care Center, 240 Minnesota Street
4. **Youth and Family Services** for a special Beer & Wine License for an event scheduled February 28, March 1 and 2, 2008 at YFS, 120 E. Adams Street
5. G S Corp., Inc. dba **Casa Re'al**, 2315 1/2 Mt. Rushmore Road for a Retail (On-Off Sale) Malt Beverage License with Video Lottery TRANSFER Norman J. Gary dba **Matador Casino**, 2315 Mt. Rushmore Road for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
6. Moyle Petroleum Company dba **Common Cents**, 2808 Sheridan Lake Road for a Package (Off-Sale) Malt Beverage License

Public Works Committee Consent Items

7. Acknowledge report on Council computers
8. Acknowledge report on technology in Council Chambers
9. Request staff to provide a report on drainage area restrictions; and request the Police Department to prepare a crime analysis of the Knollwood Drainage residential area
10. No. PW011508-02 – Authorize staff to advertise for bids for Anamosa Street Reconstruction from Milwaukee Street to LaCrosse Street Project No. SSW05-1471 and P1648 (00) H020 / CIP #50518
11. No. PW011508-03 – Authorize staff to advertise for bids for Mall Drive Water Transmission Main Project No. W04-1260 / CIP #50344
12. No. PW011508-04 – Authorize the Mayor and Finance Officer to sign Letting Authorization, Utilities and Environmental Clearance Certificate and Right-of-Way Certificate, and Voluntary Right-of-Way Donations (4) for the South Dakota Department of Transportation Project No. P1648(00) PCN H020 (Anamosa Street reconstruction project)
13. No. PW011508-05 – Authorize the Mayor and Finance Officer to sign Amendment No. 1 to the Professional Services Agreement with FMG, Inc. for the Dahl Fine Arts Expansion Project No. ADP04-1367 for an amount not to exceed \$4,365.00; with the understanding that the City has agreed to fund a fixed amount
14. No. PW011508-06 – Authorize the Mayor and Finance Officer to sign Amendment No.3 to Owner-Engineer Agreement with FourFront Design, Inc. for the Red Rock Storage Reservoir Project No. W03-1184 / CIP 50284 for an amount not to exceed \$39,902.00
15. No. 07VE028 - Approve a **Vacation of Non-Access Easement** for petitioner Renner & Associates for West River Electric Association on Lot WR of the NE1/4 NE1/4, Section 15

T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3383 Reservoir Road

RESOLUTION OF VACATION
NON-ACCESS EASEMENT

WHEREAS the Rapid City Council held a public hearing on the 22nd day of January, 2008 to consider the vacation of a portion of Non-Access Easement on Lot WR of the NE1/4 NE1/4, Section 15 T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3383 Reservoir Road; and

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

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

Dated this 22nd day of January, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 16. No. 07VE044 - Approve a **Vacation of a portion of a Minor Drainage and Utility Easement** for petitioner Sperlich Consulting, Inc. for Howie Construction on Lot 19 of Block 24 of Trailwood Village, located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the south side of Savannah Street and west of Benjamin Street

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

WHEREAS it appears that a portion of the utility and drainage easement on Lot 19 of Block 24 of Trailwood Village, located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the south side of Savannah Street and west of Benjamin Street, is no longer needed for public purposes; and

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

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

Dated this 22nd day of January, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

Legal & Finance Committee Consent Items

- 17. No. LF011608-01 - Approve request for firearm use for pigeon control at the Cement Plant
- 18. No. LF011608-02 – Confirm appointment of David Viall to the Historic Preservation Commission
- 20. No. LF011608-04 – Acknowledge report on use of property adjacent to Executive Golf Course
- 21. No. LF011608-05 – Approve 2008 Allied Arts' City Subsidy Awards
- 22. No. LF011608-32 – Approve the adoption of the .16 Utility Fund Spreadsheet as updated
- 23. No. LF011608-33 – Approve the Morningstar Utility Oversizing from the .16 Utility Fund
- 24. No. LF011608-06 – Authorize Mayor and Finance Officer to sign Medical Director Agreement with Dr. Kelly Manning
- 25. No. LF011608-07 – Authorize Mayor and Finance Officer to sign State of South Dakota Consultant Contract/Letter or Agreement for Consultant Services (March 3-14, 2008)
- 26. No. LF011608-08 – Authorize Mayor and Finance Officer to sign State of South Dakota Consultant Contract/Letter or Agreement for Consultant Services (May 12-23, 2008)
- 27. No. LF011608-09 – Authorize Mayor and Finance Officer to sign State of South Dakota Consultant Contract/Letter or Agreement for Consultant Services (October 20-31, 2008)
- 28. No. LF011608-10 – Approve Travel Request for Bill Knight and Jack Tomac, Fire Department, to attend the ICC International Codes Training Seminar in Denver, Colorado March 3-7, 2008 in an approximate amount of \$2,711.16 (travel for Growth Management staff to Attend the ICC Seminar in the amount of \$2,135 approved January 7, 2008)
- 30. No. 07TI022 - Approve a request by Sperlich Consulting, Inc. for Signature Development and the City of Rapid City to consider an application for a **Second Revised Project Plan for Tax Increment District No. 61** - Villaggio on Lot 1, Stoney Creek South #2 Subdivision; Unplatted portion of E1/2 NW1/4 SE1/4; NE1/4 SW1/4 SE1/4 and Golden Eagle Drive located in the NE1/4 SW1/4 SE1/4 including Lots H3 and H4; Lot H1 in the SE1/4 SW1/4 SE1/4; Lot H2 in the SW1/4; Lot H2 in the SW1/4 NW1/4 SE1/4 and the NW1/4 SW1/4 SE1/4; W1/2 NW1/4 SE1/4 less Springbrook Acres Subdivision and Less Lot H2; NW1/4 SW1/4 SE1/4 less Lot H2; S495 feet of NE1/4 SE1/4 less Lot 1; SE1/4 SE1/4; Lot 1, Bendert Subdivision; all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 4 and 5, Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Sheridan Lake Road and South Highway 16 and adjacent to Catron Boulevard.

RESOLUTION APPROVING THE SECOND REVISED PROJECT PLAN FOR TAX INCREMENT DISTRICT NUMBER SIXTY ONE AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

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

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

WHEREAS there has been established Tax Increment District Number Sixty One; and

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

WHEREAS the Second Revised Project Plan submitted helps make this development feasible by assisting with Vineyard Lane and Golden Eagle Drive and infrastructure improvements to serve the Villaggio at Golden Eagle and other adjacent areas of development; and

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

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

WHEREAS the Council has considered the Second Revised Project Plan submitted by the Planning Commission and determined that the Second Revised Project Plan for Tax Increment District Sixty One is economically feasible; and

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

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

Dated this 22nd day of January, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 33. Acknowledge the following volunteers for purposes of workers compensation insurance coverage: Monica Mittinti, Jasmine Gayton
- 34. No. LF011608-12 – Authorize Mayor and Finance Officer to sign Janitorial Contract with BH Services, Inc. for Janitorial Services at the Milo Barber Transportation Center.
- 36. No. LF011608-14 – Approve Resolution Writing off Uncollectible Utility Billing Accounts

RESOLUTION WRITING OFF UNCOLLECTIBLE UTILITY BILLING ACCOUNTS

WHEREAS, the City Finance Office has determined that certain utility billing accounts, shown on Appendix A, attached, and totaling \$33,719.22 are uncollectible; and

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

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

Dated this 22nd day of January, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 37. No. LF011608-15 – Approve Resolution Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property for February 19, 2008

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON ASSESSMENT ROLL FOR CLEANUP OF MISCELLANEOUS PROPERTY

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

- 1. The Assessment Roll for Cleanup of Miscellaneous Property was filed in the Finance Office on the 22nd day of January, 2008. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on Tuesday, February 19, 2007 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
- 2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time, and place of hearing thereon; that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
- 3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her, or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing

Dated this 22nd day of January, 2008.

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

ATTEST:
s/ James F. Preston
Finance Officer

(SEAL)

38. No. LF011608-16 – Approve Resolution Establishing Encumbrances

RESOLUTION ESTABLISHING ENCUMBRANCES

WHEREAS there are existing bills due and payable relating to Calendar Year 2007 operations of the City of Rapid City totaling \$4,097,945.09, and

WHEREAS it is desirable that these bills be charged to the 2007 appropriation;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Rapid City does hereby request that the Rapid City Finance Officer encumber appropriate balances of December 31, 2007, in the amount of \$4,097,945.09.

GENERAL FUND 0101

0101	MAYOR & COUNCIL	4,321.40
0103	COMMUNITY RESOURCES	337.50
0104	FINANCE	25,671.04
0105	GIS MAPPING	3,941.82
0106	ATTORNEY	2,457.83
0108	PUBLIC WORKS ADMINISTRATION	34,788.16
0109	GENERAL GOVERNMENT BUILDINGS	13,307.15
0111	HUMAN RESOURCES	19,760.82
0199	DISPATCH CENTER	73,475.34
0201	POLICE	129,609.99
0202	FIRE	87,246.78
0203	CORRECTIONS	2,486.86
0204	DEVELOPMENT SERVICE CENTER	30,212.26
0207	COMMUNITY PLANNING DIVISION	2,541.88
0301	STREETS & HIGHWAYS	160,395.84
0501	DETOXIFICATION CENTER	31,681.91
0601	RECREATION	5,230.92
0603	ICE ARENA	9,591.43
0607	PARKS DEPARTMENT	21,740.37
0609	LIBRARY	77,441.50
0610	LIBRARY RURAL	1,580.81
0612	SWIMMING POOL	14,456.85
0618	PUBLIC TRANSPORTATION	9,259.40
0620	PARK & RECREATION ADMINISTRATN	1,598.64
0621	SUBSIDIES	4,801.25
0705	GROWTH MANAGEMENT	10.98
0706	TRANSPORTATION PLANNING	18,379.67
0707	HISTORIC PRESERVATION	62.57

0708 AIR QUALITY	429.16	
0711 CODE ENFORCEMENT	986.53	
0713 SIGN CODE ENFORCEMENT	252.70	
0714 ADVOCATES FOR COMM ENHANCEMENT	<u>732.73</u>	788,792.09
2012 FUND 0107		
0124 ADMINISTRATION (2012)	63,113.00	
0125 RECREATION ENHANCEMENTS	23,534.00	
0127 ECONOMIC DEVELOPMENT (2012)	500,000.00	
0132 SPECIAL PROJECTS	103,309.55	
0136 CIVIC CENTER EXPANSION	<u>1,060,778.00</u>	1,750,734.55
OCCUPANY TAX 0253		
0761 OCCUPANCY TAX		56,818.54
REPAIR & DEMOLITION 0260		
0927 REPAIR & DEMOLITION		50.00
TID 51 KATELAND SUBDIVISION 0486		
0795 TID 51 KATELAND SUBDIVISION		7,684.06
TID 36 DISK DRIVE 0490		
0799 TID 36 DISK DRIVE		25,104.15
TID 38 HEARTLAND RETAIL 0491		
0800 TID 38 HEARTLAND RETAIL		2,524.81
TID 40 GANDOLF (PRIVATE) 0493		
0802 TID 40 GANDOLF (PRIVATE)		5,808.39
TID 43 RED ROCKS RESERVOIR 0496		
0805 TID 43 RED ROCKS RESERVOIR		469,268.96
AIRPORT CONSTRUCTION FUND 0501		
0903 AIRPORT CONSTRUCTION		274,426.28
CONSOLIDATED CONSTRUCTN FUND 0505		
0910 CONSOLIDATED CONSTRUCTION		110,233.25
WATER ENTERPRISE FUND 0602		
0810 WATER OPERATIONS	34,951.55	
0933 WATER RPLACEMENT & IMPROVEMNT	83,384.99	
0934 WATER EXPANSION PROJECTS	<u>6,647.71</u>	124,984.25
WASTEWATER ENTERPRISE FUND 0604		
0830 WASTEWATER OPERATIONS	47,658.52	
0833 WASTEWATER REPLCEMT & IMPRVMNT	25,005.27	
0834 WASTEWATER EXPANSION PROJECTS	<u>16,615.42</u>	89,279.21

AIRPORT ENTERPRISE FUND 0606		
0850 AIRPORT OPERATIONS		29,550.46
CEMETERY ENTERPRISE FUND 0607		
0860 CEMETERY		1,455.18
TRANSPORTATION CENTER FUND 0608		
0840 TRANSPORTATION TERMINAL		304.60
PARKING LOT & AREA FUND 0610		
0870 PARKING LOT & AREA		1,523.08
SOLID WASTE ENTERPRISE FUND 0612		
7101 WASTE COLLECTION		23,126.39
GOLF ENTERPRISE FUND 0613		
0604 GOLF ENTERPRISE		4,441.74
EXECUTIVE GOLF COURSE FUND 0614		
0605 EXECUTIVE GOLF OPERATIONS	448.99	
0606 LACROIX LINKS GOLF COURSE	1,514.45	1,963.44
SOLID WASTE DISPOSAL FUND 0615		
7102 WASTE DISPOSAL		18,905.60
SOLID WASTE/MRF COMPOST FUND 0616		
7103 SOLID WASTE MRF/COMPOST FUND		32,682.66
AMBULANCE ENTERPRISE 0618		
0890 AMBULANCE ENTERPRISE		29,957.84
PAYROLL WITHHOLDING FUND 0702		
0922 PAYROLL WITHHOLDING		86,143.71
EDUCATIONAL LOAN FUND 0718		
1002 EDUCATIONAL LOAN		5,158.15
CIVIC CENTER ENTERPRISE FUND 0775		
0911 CIVIC CENTER CONCESSION	2,639.46	
0913 CIVIC CENTER OPERATIONS	46,649.82	
0915 CIVIC CENTER CAPITAL OUTLAY	1,066.77	
0917 CIVIC CENTER TICKET OFFICE	2,205.20	52,561.25
ENERGY PLANT REVOLVING FUND 0777		
0914 ENERGY PLANT		21,062.28
PASSENGER FACILITY CHARGE #2 0782		

0939 PASSENGER FACILITY CHARGE #2	16,224.43
GROUP INSURANCE FUND 0789	
0963 GROUP INSURANCE	38,320.00
DENTAL INSURANCE FUND 0790	
0964 DENTAL INSURANCE	824.20
WORKERS' COMPENSATION FUND 0792	
0967 WORKERS' COMPENSATION	5.48
LIABILITY INSURANCE FUND 0793	
0968 LIABILITY INSURANCE	140.48
LIBRARY BOARD FUND 0996	
0971 LIBRARY BOARD	<u>27,985.58</u>
*** GRAND TOTAL ***	4,097,945.09

AND BE IT FURTHER RESOLVED that this Resolution is necessary for the immediate preservation of the public peace, health, safety and support of the municipal government and its existing public institutions, and shall take effect upon the passage and publication thereof.

Dated this 22nd day of January, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 39. No. LF011608-17 – Approve Resolution Establishing Change Fund for Public Library and Ice Arena

RESOLUTION ESTABLISHING CHANGE FUND

WHEREAS, it has been determined that the Rapid City Public Library located within the General Beadle Elementary School requires a Change Fund to operate the facility efficiently; and

WHEREAS, it has been determined that the Roosevelt Ice Arena requires an additional Change Fund to operate the facility efficiently;

NOW, THEREFORE, BE IT RESOLVED, that Change Funds be established for the Rapid City Public Library located within the General Beadle Elementary School in the amount of One Hundred Dollars (\$100), and Roosevelt Ice Arena in the amount of One Hundred Dollars (\$100) to be used as follows:

Change Fund for Petty Cash	\$100.00
Change Fund for Petty Cash	<u>\$100.00</u>
Total	\$200.00

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

Dated this 22nd day of January, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 40. No. LF011608-20 – Approve Travel Request for Jim Preston, Pauline Sumption, Connie Ewing and Tracy Davis to Attend Municipal Day at the Legislature in Pierre, SD, February 5-6, 2008, in the approximate amount of \$321 (in addition to the request submitted by Kay Rippentrop)
- 41. No. LF011608-21 – Approve Combined Election Agreement between City of Rapid City and Pennington County
- 42. No. LF011608-34 – Approve Resolution to Amend the Non-Union Compensation Plan to Establish the Position of Airport Finance and Administration Manager

RESOLUTION TO AMEND THE NON-UNION COMPENSATION PLAN TO ESTABLISH THE POSITION OF AIRPORT FINANCE AND ADMINISTRATION MANAGER

WHEREAS, the position title of Airport Operations Officer and job classification description has been utilized previously; and

WHEREAS, the position title no longer reflects the duties for which the position performs a unique function and thus, the job classification title should be changed to reflect this.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the Non-union Pay Plan by deleting the title of Airport Operations Officer; and

BE IT FURTHER RESOLVED by the City Council of the City of Rapid City to amend the Non-union Pay Plan by adding the position classification title of Airport Finance and Administration Manager at the same grade.

Job Title	Grade	Wage
Delete:		
Airport Operations Officer	21	\$46,799 to \$71,178/yr.
Add:		
Airport Finance and		

Administration Manager 21 \$46,799 to 71,178/yr.

Dated this 22nd day of January, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 43. No. LF011608-22 – Approve Travel Request for Jerry Wright to attend the U.S. Composting Council Conference and Tradeshow including a class on compost use for erosion control and stormwater management in Oakland , CA , February 9-12, 2008 in an approximate amount of \$1,660
- 44. No. LF011608-23 – Approve Travel Request for Jerry Cole to attend the National Legislative Forum on Parks and Recreation in Washington , DC , March 12-14, 2008 , in an approximate amount of \$1,930
- 45. No. LF011608-24 – Authorize staff to go out for bids for 11’ high capacity mower
- 46. No. LF011608-25 – Authorize staff to go out for bids for one ton dump truck
- 47. No. LF011608-26 – Authorize staff to go out for bids for front end loader
- 49. No. LF011608-27 – Approve request from Kenneth Krzyzanowski, d/b/a Mr. Rag’s Ice Cream, for ice cream vending license for 2008
- 50. No. LF011608-28 – Acknowledge raffle request from Inyan Kara Riders Corporation
- 52. No. LF011608-30 – Approve Travel Request for Jason Green and Joel Landeen to attend Municipal Day at the Legislature in Pierre , SD , February 5-6, 2008 , in the approximate amount of \$351.20
- 53. No. LF011608-35 – Approve Resolution Supporting the Addition of a Circuit Judge in the Seventh Judicial Circuit

RESOLUTION

WHEREAS, the City of Rapid City recognizes the importance of the judiciary to the citizens of South Dakota and particularly the ability of the citizens to obtain access to the courts; and

WHEREAS, only one Circuit Court Judge has been added to the Seventh Circuit since the creation of the Unified Judicial System in 1975; and

WHEREAS, the City of Rapid City recognizes the need for additional Circuit Court Judges in the Seventh Judicial Circuit as shown by the statistics maintained by the Unified Judicial System.

NOW, THEREFORE, BE IT RESOLVED by the Rapid City Common Council that the City of Rapid City supports the addition of a Circuit Court Judge to the Seventh Judicial Circuit to insure the continued efficient administration of justice for all citizens; and

BE IT FURTHER RESOLVED by the Rapid City Common Council that the City of Rapid City encourages the South Dakota House and Senate to use all available means to

provide the resources necessary to add an additional Circuit Judge in the Seventh Circuit.

Dated this 22nd day of January, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

54. No. LF011608-31 – Approve the following abatements: American West Communities, Inc. - \$475.18; Garry H. Denker - \$1,402.72; Shawn J. Dimond - \$1,127.04; DTH, LLC - \$712.78; DTH, LLC - \$907.48; Lois J. Lukens - \$233.04; and Dale D. Whitcher - \$343.12
55. Approve the following licenses: Residential Contractor: Alfred Burnham, Burnham Construction; Rande Robinson, Robco Construction Services; Kory Hammerbeck, Hammerbeck Homes Co.; David Rietveld, Dave Rietveld Construction; Eugene Britton, Gene's Carpentry & Home Repair; Kevin & Tracy Fischer, Fischer Homes Inc.; David Hirning, David Hirning Construction; Russell Geranen, Geranen Homes of South Dakota; and Rick & Judith Rondestvedt, J & R Construction; Gas Contractor: David McCarthy, McCarthy Services; House Mover: Kent Hazelrigg; Roger Johnson, The Royal Company, SD, Inc. (continued from the January 7, 2008 Council meeting); Electrical Journeyman: Chad Freeman and David Morterud; Mechanical Contractor: Glenn Delabarre, Black Hills Surgery Center; Sign Contractor: Paul Weber, Rushmore Signs; Doug Rumpca, Lamar Outdoor Advertising; Brendan Casey, Epic Outdoor Advertising; Craig Stump, Stump Sign Company; Jack Venable, ABC Signs & Vinyl Graphics; Gary French, French's Upholstery; Gene & Roxy Hunter, Sign Express; Morgan Wieseler, A-Plus Signs; Rod Parmenter, Gordon Sign; Hank Sponder, Sponder Outdoor Advertising; Lesley Rutter, Unique Signs Inc.; Williard Weber, Solar Sound Corp.; Thomas Farrar, Rosenbaum's Signs; Todd Koehne, Sign Service & Supply; and George Menke, Pride Neon Inc.; Sewer and Water Journeyman: Josh Schlacht

Growth Management Department Consent Items

56. No. 07PL101 - A request by TSP for Bob Brandt for a **Preliminary Plat** on Tract 1 and Tract 2 of Tuscan Square Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Dan's Supermarket Tract Revised, less Lot 1 [also in Block 67] and less Lot H-1 of Block 66 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 333 Omaha Street. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING 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 showing the extension of water and sewer mains along Rapid Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, construction plans showing the extension of water and sewer mains along all of Third Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be

obtained; 4. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the sewer service line serving Tract 2 redesigned to preclude crossing Tract 1 or an Exception shall be obtained; 5. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the abandonment of the water service line located along the north lot line and the extension of a water service line from the existing water main located in Omaha Street to serve the existing 64,237 square foot structure or an Exception to allow a service line to cross another property must be obtained; 6. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing the abandonment of the water main located along the east lot line of the property as per Chapter 13.04.350 of the Rapid City Municipal Code or an Exception shall be obtained; 7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

57. No. 07PL118 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Pacific Steel and Recycling for a **Preliminary Plat** on a portion of Lot A of Biernbaum Subdivision, located in the NW1/4 SW1/4, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot A of Biernbaum Subdivision, located in the NW1/4 SW1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat recorded July 10, 1997 and recorded in Book 28 of Plats on Page 27, more fully described as follows: Beginning at the southwest corner of said Lot A of Biernbaum Subdivision, said corner being marked by a rebar with survey cap "RW FISK 6565"; thence, northerly along the westerly edge of said Lot A of Biernbaum Subdivision and along the easterly edge of Highway 79 right-of-way, N00°01'09"W, a distance of 225.01 feet more or less, to an angle point of said Lot A of Biernbaum Subdivision, said corner being marked by a rebar with survey cap "LS4208" and said corner being coincident with the southwesterly corner of Lot B of Biernbaum Subdivision, as shown on the plat recorded July 10, 1997 and recorded in Book 28 of Plats on Page 27; thence, easterly along the northerly edge of said Lot A of Biernbaum Subdivision and along the southerly edge of Lot B of Biernbaum Subdivision, N89°51'25"E, a distance of 206.31 feet more or less, to a point on the westerly edge of Amended Lot H2 of Lot A of Biernbaum Subdivision, as shown in the plat filed April 8, 2003 and recorded in Book 10 of Highway Plats on Page 111, said point being marked by a rebar with survey cap "LS 6119"; thence, southerly along the westerly edge of said Amended Lot H2 of Lot A of Biernbaum Subdivision, S00°05'02"W, a distance of 225.68 feet more or less, to the south line of said Lot A of Biernbaum Subdivision, also being the southwest corner of said Amended Lot H2 of Lot A of Biernbaum Subdivision, said corner being marked by a "SDDOT Monument"; thence, westerly along the southerly line of said Lot A of Biernbaum Subdivision, N89°57'30"W, a distance of 205.90 feet more or less, to the point of beginning, located at 4280 South Highway 79. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, road construction plans for the east-west rearage road shall be submitted for review and approval. In particular, the construction plans shall show a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, prior to Preliminary Plat approval by the City Council, a name for the east-west rearage road shall be submitted for review and approval; 2. Prior to Preliminary Plat approval by the

City Council, road construction plans for the north-south rearage road shall be submitted for review and approval. In particular, the road construction plans shall show a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, prior to Preliminary Plat approval by the City Council, a name for the north-south rearage road shall be submitted for review and approval; 3. Prior to City Council approval of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the location and size of existing water mains and service lines and the extension of water mains must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained; 4. Prior to City Council approval of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the location and size of existing sewer mains and services and the extension of sanitary sewer mains and service lines must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained; 7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 8. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; 9. Prior to Final Plat approval, the off-premise sign shall be removed or a Variance from the Sign Board of Appeals shall be obtained or the Ordinance shall be amended to allow the proposed signage; 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.)

58. No. 07PL151 - A request by Boschee Engineering for Cody Schad for a **Preliminary Plat** on Government Lot A of Lot 2, Government Lot 2 less Lot A, and Government Lot 1, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, located between Strato Bowl and Copper Oaks. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Planning Commission approval the applicant shall submit a revised cost estimate for access road improvements for review and approval; 2. Prior to Planning Commission approval the applicant shall revise the plat document to include survey information for the access easement and well location; 3. Prior to approval by Planning Commission the applicant shall revise the plat document to identify a turnaround on the northern boundary of proposed Lot 1 for Emergency Vehicles; 4. Prior to Planning Commission approval the plat documents shall be revised to identify 45 feet of right-of-way along the private access and utility easement; 5. Upon submittal of a Final Plat application, the applicant shall provide proof of the legal entity which will provide the mechanism for maintenance of the community water facility for review and approval; 6. Upon submittal of a Final Plat application the applicant shall submit for review and approval to the Pennington County Emergency Services Communication Center a street name for the access and utility easement; 7. Upon submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide for the mechanism for street maintenance and snow removal for the private streets proposed; 8. 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, 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

59. No. 07PL165 - A request by Renner & Associates for Pete Lien and Sons for a **Preliminary Plat** on Lot 1 of Lot A and Lot BR of Keller Subdivision, located in the S1/2 of the SE1/4, Section 17, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots A and B of Keller Subdivision, located in the S1/2 of the SE1/4, Section 17, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Sturgis Road and north of Universal Drive. (PRELIMINARY PLAT IS DENIED WITHOUT PREJUDICE AT THE APPLICANT'S REQUEST.)
60. No. 07PL170 - A request by FMG, Inc. for Jackson Park, LLC for a **Preliminary Plat** on Lots 1 and 2 of Ray Kraemer Subdivision, formerly Lot 1 of Lot A of the SE1/4 of the SW1/4, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Lot A of the SE1/4 of the SW1/4, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Jackson Boulevard and Central Boulevard. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval for the access easement or a Variance to the Subdivision Regulations shall be approved; 2. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and, 3. 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.)
61. No. 07PL171 - A request by Sperlich Consulting, Inc. for Dalwyn Vandenhoeck for a **Preliminary Plat** on Lots 48A and 48B of Village on the Green No. 2 Subdivision located in the NW1/4 of the NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 48 of Village on the Green No. 2 Subdivision located in the NW1/4 of the NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, located on Mulligan Mile 0.369 miles northwest of the intersection of Anina Court and Arena Drive. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing a sidewalk along both sides of Mulligan Mile or a Variance to the Subdivision Regulations shall be approved; 2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional 3.5 feet of right-of-way for Mulligan Mile or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and, 4. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)
62. No. 07PL172 - A request by FourFront Design, Inc. for Skyline Pines East, LLP for a **Layout Plat** on Lot 1 thru 12 of Skyline Pines East Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots A and B of the SE1/4 SE1/4 less Lots 2 and 3 of the SE1/4 and less Right-of-way; Lots B and C of the SW1/4 SE1/4 less Lot 1 of the SE1/4; Lot 1 of the SE1/4 SW1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Tower Road and west of U.S. Highway 16. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Layout Plat approval by the City Council, a revised Layout Plat shall be submitted clearly identifying the boundaries of the plat document; 2. Upon

submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;

3. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Meade Hawthorne Drainage Basin Plan and the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. The plat document shall also be revised to provide drainage easements as necessary;

4. Upon submittal of a Preliminary Plat application, a utility master plan including existing and proposed public and private utilities shall be submitted for review and approval;

5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the sewer plans shall include the extension of sanitary sewer along U.S. Highway 16 to the south lot line of the property as per the 2001 CETEC preliminary design report for Tower Road. The sewer plans shall also show the sewer main proposed across Lots 9 thru 12 within a public utility easement or the main shall be located in the Tower Road right-of-way with individual services from Tower Road to each lot. In addition, the plat document shall also be revised to provide additional utility easements as needed;

6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the sewer plans shall include the extension of sanitary sewer along U.S. Highway 16 to the south lot line of the property as per the 2001 CETEC preliminary design report for Tower Road. The water plans shall also show the water main proposed across Lots 9 thru 12 within a public utility easement or the main shall be located in the Tower Road right-of-way with individual services from Tower Road to each lot. In addition, the water plans shall demonstrate that adequate fire and domestic water flows are being provided. The plat document shall also be revised to provide additional utility easements as needed;

7. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met;

8. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide a non-access easement along U.S. Highway 16 and Tower Road except for the approved approach locations as per the Street Design Criteria Manual;

9. Upon submittal of a Preliminary Plat application, road construction plans for Tower Road shall be submitted for review and approval. In particular, the road construction plans shall identify Tower Road located within a minimum 60 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the street shall be posted "No Parking";

10. Upon submittal of a Preliminary Plat application, the applicant shall submit written documentation from all of the affected utility companies showing concurrence with the proposed vacation and relocation of the Tower Road right-of-way;

11. Upon submittal of a Preliminary Plat application, road

construction plans for U.S. Highway 16 shall be submitted for review and approval. In particular, the construction plans shall show the installation of curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 12. Upon submittal of a Preliminary Plat application, road construction plans for the proposed 45 foot wide future access and utility easement(s) shall be submitted for review and approval. In particular, the construction plans shall show the streets located within a minimum 59 foot wide right-of-way in lieu of an easement or an Exception shall be obtained to allow an easement to serve as access to eight lots in lieu of four lots as per the Street Design Criteria Manual. In addition, the construction plans shall show the streets constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. The construction plans shall also identify the construction of a permanent turnaround to provide a fire apparatus turnaround at the end of the two cul-de-sacs or a Variance to the Subdivision Regulations shall be obtained; 13. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show access to Lot 12. In particular, the plat shall be revised to provide a maximum 40 foot by 40 foot shared approach between Lots 11 and 12 or the approach shall align with the future extension of Fairmont Boulevard to the north; 14. Prior to submittal of a Final Plat application, street name(s) for the 45 foot wide access and utility easements shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the street names shall be shown on the plat document; 15. Prior to Preliminary Plat approval by the City Council, a cost estimate shall be submitted for review and approval; 16. 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, 17. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

63. No. 07PL173 - A request by City of Rapid City for a **Preliminary Plat** on Lots A, B and C of Lot 2 of Block 10 and Block 13, located in the SW1/4 NE1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Block 10 and Lot 2 of Block 13, located in the SW1/4 NE1/4 NW1/4, Section 2, T1N, R7E, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the west side of Skyline Drive and North of Dinosaur Park. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the plat document as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; 2. Prior to City Council approval of the Preliminary Plat, the plat document shall be revised to show access to proposed Lot A or a Variance to the Subdivision Regulations shall be obtained to waive the requirement that each lot shall be provided with access from a public street; 3. Prior to City Council approval of the Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to City Council approval of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 5. Prior to City Council approval of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the

Subdivision Regulations waiving the requirement to provide a central water system shall be obtained; 6. Prior to City Council approval of the Preliminary Plat, road construction plans shall be submitted for review and approval for Valentine Street. In particular, the road construction plans shall identify the street located within a minimum 49 foot wide right-of-way or an Exception shall be obtained to allow an easement to serve as access to five lots in lieu of four lots. In addition, the road construction plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 7. Prior to City Council approval of the Preliminary Plat, road construction plans for Skyline Drive shall be submitted for review and approval. In particular, the road construction plans shall show Skyline Drive constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 8. Prior to City Council approval of the Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; 9. Prior to submittal of a Final Plat, a Variance to Zoning Ordinance shall be obtained to reduce the minimum required lot size in the Park Forest District for the three proposed lots from three acres to 0.9166 acres, 2.9632 acres and 0.1189 acres, 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.)

END OF CONSENT CALENDAR

Hadcock moved, second by Hurlbut to (No. LF011608-03A), approve a Travel Request for Malcom Chapman, Bill Okrepkie, Tom Johnson and Lloyd LaCroix to attend the 2008 Annual Congressional City Conference in Washington , D.C. , March 8-12, 2008 in the approximate amount of \$10,768.76. Alderman Kooiker indicated his need to discuss the number of trips being taken by each member of the Council and a policy limiting the number of trips each member can take. Aldermen Hadcock, Johnson, Hurlbut and LaCroix each offered support of continuing education for the members of the Council; and each spoke of the value of the knowledge each member receives from attending local and national conferences and seminars. Aldermen Chapman and Hadcock each suggested that the discussion of Council travel should take place during the budget process; and Chapman suggested this topic of discussion for the February 11 work session of the Council. Upon a vote being taken on the motion to approve, motion carried with Kooiker voting NO.

Hadcock moved, second by Olson to approve a Change Order to decrease the amount of the Contract of \$31,558.07 with Golden West for the Rapid City Fire Department telephone system by \$2,815 due to removal of a piece of equipment from the Contract. Motion carried with Kooiker abstaining.

The Mayor presented No. 07TI023, a request by CETEC Engineering Services for OS Development, Inc. to consider an application for a **Creation of Tax Increment District** on the S1/2 NE1/4, SE1/4 less Tract 1 of Bradeen Subdivision, Section 22, T1N, R8E; and the W1/2 NE1/4, SE1/4 NE1/4, NE1/4 NE1/4, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of S.D. Highway 44, west of Reservoir Road and east of Elks Meadows. The following resolution was introduced, read, and Hadcock moved its adoption:

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

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

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

WHEREAS the Council finds that:

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

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

S1/2 NE1/4, SE1/4 less Tract 1 of Bradeen Subdivision, all located in Section 22, T1N, R8E, BHM , Rapid City, Pennington County, South Dakota; and

W1/2 NE1/4, SE1/4 NE1/4, NE1/4 NE1/4, all located in Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

is hereby designated as Tax Increment District Number 66.

Dated this 22nd day of January, 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 seconded by Johnson; and upon a vote being taken thereon, the following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Chapman, Weifenbach, Olson, Kroeger, and Kooiker; NO: None; whereupon said resolution was declared duly passed and adopted.

The Mayor presented No. 07TI024, a request by CETEC Engineering Services for OS Development, Inc. to consider an application for a **Tax Increment District Project Plan** on the S1/2 NE1/4, SE1/4 less Tract 1 of Bradeen Subdivision, Section 22, T1N, R8E; and the W1/2 NE1/4, SE1/4 NE1/4, NE1/4 NE1/4, Section 27, T1N, R8E, BHM, Rapid City, Pennington

County, South Dakota, more generally described as being located south of S.D. Highway 44, west of Reservoir Road and east of Elks Meadows. The following resolution was introduced, read, and Hadcock moved its adoption:

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

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

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

WHEREAS there has been established Morningstar Tax Increment District Number Sixty-Six; and

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

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

WHEREAS the Project Plan submitted helps make this development feasible by assisting in the development of Morningstar Subdivision adjacent to Reservoir Road; and

WHEREAS the Project Plan submitted will assist with the extension of water infrastructure; and

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

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

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

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

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

Dated this 22nd day of January, 2008.

ATTEST:

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

s/ James F. Preston
Finance Officer

(SEAL)

The motion for the adoption of the foregoing resolution was seconded by Johnson, noting approval of updated public improvement map and the number of the plan as sixty-six; and upon a vote being taken thereon, the following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Chapman, Weifenbach, Olson, Kroeger, and Kooiker; NO: None; whereupon said resolution was declared duly passed and adopted.

The Mayor presented (No. LF011608-13), a Resolution Writing off Credit Balance Water Billing Accounts. The following resolution was introduced, read, and Hadcock moved its adoption:

RESOLUTION WRITING OFF CREDIT BALANCE WATER BILLING ACCOUNTS

WHEREAS, the City Finance Office has determined that certain water billing accounts, shown on Appendix A, attached, and totaling \$930.37 are determined to be expired for refund; and

WHEREAS, it is necessary to relieve the accounts payable of the City of Rapid City for these accounts;

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

Dated this 22nd day of January, 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 seconded by Johnson. Preston, responding to a question from Alderman Chapman, indicated that a list of credit balances from closed water accounts will appear on the City's website and a press release will go out advising the public of the credit balances and the process to release the credit balances. Upon a vote being taken thereon, the following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Chapman, Weifenbach, Olson, Kroeger, and Kooiker; NO: None; whereupon said resolution was declared duly passed and adopted.

The Mayor presented (No. LF121207-28), a Resolution Directing that City Staff Convert the Current Ten Hour Parking Meters Along Apolda Street to Two Hour Meters; whereupon Hadcock moved to adopt, and seconded by Johnson. At the request of City Attorney Green, a substitute motion was made by Chapman, second by Hadcock and carried to refer this item to the January 30, 2008 Legal and Finance Committee meeting.

The Mayor presented No. LF011608-29, to authorize the Mayor and Finance Officer to sign Amendment to the Contract for Private Development Tax Increment District Number Fifty Four between DTH, LLC and the City of Rapid City, South Dakota; whereupon Hadcock moved, second by Olson to approve. Responding to a question from Alderman Kooiker, City Attorney Green explained that currently the City is taking action against a developer in the Big Sky area; and one of the individuals involved there is one of the individuals involved in this TID. In light of this other action, Green indicated that the Council could consider whether they want to approve the proposed agreement. Green pointed out that this change will result in the taxpayers' spending less to pay interest expense. Green indicated that at this point in time, there is money in the TIF and interest is accruing on the loan that the developer took out. Upon a vote being taken on the motion to approve, motion carried with LaCroix abstaining.

Olson moved, second by Chapman and carried to open public comment on Items 64 – 73. No comments were offered. Olson moved, second by LaCroix and carried to close public comment on Items 64 – 73.

NON-CONSENT ITEMS – Items 64 - 73

ORDINANCES

Ordinance No. 5360 (No. LF011608-18), Regarding Supplemental Appropriation No. 1 for 2008 was introduced. Hadcock moved, second by LaCroix and carried that Ordinance No. 5360 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 4, 2008.

Ordinance No. 5361 (No. 07OA010), Adding Banquet Hall with On Sale Liquor Establishments as a Conditional Use in the General Agricultural Zoning District by Amending Section 17.34.030 of the Rapid City Municipal Code was introduced. Hadcock moved, second by LaCroix and carried that Ordinance No. 5361 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 4, 2008.

Ordinance No. 5362 (No. LF011608-19), Regarding Supplemental Appropriation No. 2 for 2008 was introduced. Hadcock moved, second by LaCroix and carried that Ordinance No. 5320 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 4, 2008.

Ordinance No. 5363 (No. 07RZ077), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Reservoir Road and northwest of North Pitch Court was introduced. Hadcock moved, second by LaCroix and carried that Ordinance No. 5363 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 4, 2008.

Ordinance No. 5364 (No. 07RZ078), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Heavy Industrial District** on Lots 1A and 2A, located in the SE1/4 of the NW1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 5406 Old Folsom Road was introduced. Hadcock moved,

second by LaCroix and carried that Ordinance No. 5364 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 4, 2008.

LEGAL & FINANCE COMMITTEE ITEMS

The Mayor presented No. 07TI021, a request by Bryan Gonzales for Century Development Co. to consider an application for a **Second Revised Project Plan for Tax Increment District #50 - Federal Beef** on the southern most 950 feet of I-190 right-of-way and the southern most 950 feet of West Boulevard right-of-way located in the SE1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the west 932 feet of the south 377 feet of the SE1/4 SE1/4 less the north 35 feet dedicated as Thrush Drive (including the vacated Gold Street and the north 45 feet of vacated Anamosa Street adjacent to said parcel) and the adjacent West Boulevard, I-190, Thrush Drive and Gold Street rights-of-way in the SE1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the NE1/4 NE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the S1/2 NE1/4 lying west of I-190 right-of-way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tract 17 less Lot H1, Rapid City, Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the SE1/4, Section 35, T2N, R7E lying north of the Omaha Street right-of-way and west of I-190 right-of-way and the adjacent Omaha Street and I-190 rights-of-way located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and the northern most 160 feet of dedicated 12th Street lying south of Omaha Street located in the SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of US I-190 and West Boulevard North, and north of Omaha Street. The following resolution was introduced, read, and Hadcock moved its adoption:

RESOLUTION APPROVING THE SECOND REVISED PROJECT PLAN FOR TAX INCREMENT DISTRICT NUMBER FIFTY AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

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

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

WHEREAS there has been established Tax Increment District Number Fifty; and

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

WHEREAS the Second Revised Project Plan submitted helps make this development feasible by assisting in demolition, clean up, grading, land acquisition costs for the Federal Beef Property, water line improvements, signalization, sidewalks and street demolition; and

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

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

WHEREAS the Council has considered the Second Revised Project Plan submitted by the Planning Commission and determined that the Second Revised Project Plan for Tax Increment District Fifty is economically feasible; and

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

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

Dated this 22nd day of January, 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 seconded by LaCroix; and upon a vote being taken thereon, the following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Chapman, Weifenbach, Olson, Kroeger, and Kooiker; NO: None; whereupon said resolution was declared duly passed and adopted.

The Mayor presented (No. LF121207-27), a Resolution Establishing a Policy to Reimburse the Owners of Private Sewer and Water Service Lines Serving Multiple Residences for the Cost of Repairing or Replacing Such Lines. Hadcock moved, second by LaCroix to refer this item to the January 29, 2008 Public Works Committee meeting. Aldermen Hurlbut and Weifenbach indicated that there is a need to know the impact of this policy on the City's budget; and also a need to identify a funding source. Upon a vote being taken on the motion to continue, motion carried unanimously.

The next item for discussion is the funding sources relating to the Policy on Reimbursing the Owners of Private Sewer and Water Service Lines Serving Multiple Residences. Alderman Chapman suggested this issue should be taken up by the .16 Committee, indicating that the policy would not have a negative impact on the enterprise funds or other capital outlay projects if it is funded with .16 Funds.

Chapman moved, second by Hadcock to refer the Policy on Reimbursing the Owners of Private Sewer and Water Service Lines Serving Multiple Residences to the .16 Committee. Alderman Johnson indicated that there is a need to do an analysis of the utility funds. Alderman Hadcock indicated that aging infrastructure should not be overlooked and needs to be defined. Upon a vote being taken on the motion to refer the issue, motion carried unanimously.

BIDS

The following companies submitted bids for (No. CC012208-02), Holiday Inn, North Street and Farlow Avenue Water Main Reconstruction Project No. W07-1631 / CIP No. 50465 opened January 15, 2008: Quinn Construction, Site Work Specialists, Mainline Contracting, Hills Materials Co., Highmark, RCS Construction, and Lind-Exco. Staff reviewed the bids and recommends the bid award to RCS Construction. LaCroix moved, second by Johnson and carried to approve the bid award to the lowest responsible bidder, meeting specifications, RCS Construction for the low unit prices bid for a total contract amount of \$2,263,193.00.

ADDENDUM

State of Air Service in Rapid City was addressed by Airport Executive Director, Mason Short, who explained that air travel grows 2-3 times local economic growth. Since 2001, Rapid City has grown about thirty-five percent. In 2006, all the airlines grossed in-excess of \$110 Million in ticket sales. Short pointed out that 2007 was one of the worst years for domestic air travel; having had the highest number of delays, nation-wide; more lost luggage; more full and over-booked flights; and the highest fuel prices. He explained that while Rapid City added a new airline and a new destination, Rapid City was not exempt from the issues that affected air travel. Short explained that Rapid City has the eighth fastest growing airport since 9 / 11. Five carriers serve Rapid City with year-round, non-stop destinations from Minneapolis/St. Paul, Denver, Salt Lake City, Las Vegas, Phoenix and Chicago. There are twenty-one flights per day, twenty-one departures for a total of forty-two flights with 1,350 seats leaving and coming to Rapid City every day. He pointed out that 2007 was not a record year for Rapid City, but a strong year with 500,000 total passengers. In 2008, Short explained that Frontier and Allegiant will be adding 80,000 seats to Rapid City's market for an estimated capacity of 390,000 total seats. Short pointed out that Rapid City's airport has some constraints and explained that they are running out of ticketing space, but can probably accommodate only one more airline; and the parking lot is limited and is spilling over. He explained that the terminal needs to be update and expanded to accommodate the growth. He also explained that the TSA and FAA are the main regulatory bodies; and since 2004, they have significantly increased the regulatory issues that the airport must comply with at a staff level. Short reported current projects include the expansion of the parking lot, concourse and checkpoint; and projected projects for 2009 – 2011 include an interior rehabilitation of the terminal building, expansion of the second floor, reconfiguration of the second floor, ticketing reconfiguration, and installation of a new in-line baggage screening system. Short indicated that all the proposed enhancements and projects at the airport will be completed without any impact on the City's General Fund. Short projected, that if Rapid City's airport continues to grow at ten percent, Rapid City will exceed one million total passengers or 500,000 enplanements by 2014. Short pointed out that the continued support of the Air Service Task Force and tourism for the entire community and communicating of that information to the air carriers is vital.

MAYOR'S ITEMS

The Mayor presented a Resolution in Support of a Replacement Higher Education Center, West River. The following resolution was introduced, read, and Chapman moved its adoption:

RESOLUTION IN SUPPORT OF A REPLACEMENT
HIGHER EDUCATION CENTER -- WEST RIVER

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

Whereas the South Dakota Regental System has been serving the Rapid City area with higher education course offerings for nearly fifty years, and

Whereas, the primary site for face-to-face course offerings located at Ellsworth Air Force Base was converted to the Air Force Financial Services Center and no education center space is available for use by Black Hills State University, The University of South Dakota, South Dakota State University, Dakota State University and Northern State University, and

Whereas, 1,676 Rapid City area students are currently pursuing doctorate, masters, bachelors and associates degrees in addition to general education courses, teacher certification/renewal and professional/personal growth programs, and

Whereas, West River South Dakota has a significant need to provide and expand higher educational access for its population, especially as it strives to become a more knowledge based economy, and

Whereas, the West River population age 25 and or older with a bachelors degree is lower than both the state and national average, and

Whereas, a significant number of West River residents have attend college but have not completed a degree and constitute a population that most needs and is most likely to take advantage of educational opportunities that are conveniently located at an identifiable location with a one-stop approach for all services, and

Whereas, the South Dakota Board of Regents have proposed building a Higher Education Center – West River to replace a variety of temporarily used classrooms located at Douglas, Stevens and Central High Schools, Valley View Elementary, Western Dakota Technical Institute, the Rushmore Building, Regional Health Science Center, Administrative Offices of West River Higher Education Center and six facilities on the campus of the South Dakota School of Mines and Technology, and

Whereas, the Higher Education Center – West River would be conveniently located for all West River residents at the intersection of Interstate Highway 90 and the Heartland Expressway, and

Whereas, demographic and economic development projections indicate that the West River area will increase the student population actively pursuing higher education to approximately 2,000 in three years, and

Whereas, the Higher Education Center – West River will accelerate the achievement of Governor Mike Rounds' 2010E initiative, Black Hills Vision goals, the needs of the Deep Underground science and Engineering Laboratory and promotes a vibrant educational environment to meet the state and region's changing economy.

Be it therefore resolved that the Rapid City Common Council enthusiastically recommends the South Dakota Legislature and Governor M. Michael Rounds enact into law such actions that are required to bring the Higher Education Center – West River to a reality in 2008

Dated this 22nd day of January, 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 seconded by Weifenbach; and upon a vote being taken thereon, the following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Chapman, Weifenbach, Olson, Kroeger, and Kooiker; NO: None; whereupon said resolution was declared duly passed and adopted.

The Mayor presented a Travel Request to Attend Municipal Day at the Legislature in Pierre, SD, February 5-6, 2008 in the amount of \$1,211.75; whereupon Chapman moved, second by Olson to approve. Motion carried.

COUNCIL ITEMS & LIAISON REPORTS

Alderman Olson extended her appreciation to the staff of the Water Department on their response to a water main break at Autumn Hills Drive and Sheridan Lake Road.

APPEALS - Sign Code Appeals

At the request of the applicant, Hadcock moved, second by LaCroix 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 February 19, 2008 Council meeting.

At the request of the applicant, Hadcock moved, second by Olson 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 February 19, 2008 Council meeting.

PUBLIC HEARING ITEMS – Items 74 - 133

Johnson moved, second by Chapman and carried to open the public hearing on items 74 – 133. James Giese, Rapid City addressed item #120 (07CA060), indicating his ownership of 1021 St. Joseph Street and explaining there are limitations on his property that will not allow him to open an antique shop. Giese explained that the property is currently zoned Office Commercial, which allows some limited retail but not an antique shop. He indicated that he does not want to rezone his property to General Commercial in order to operate an antique shop. Giese asked for direction from the Council about how he might operate an antique shop on his property. Responding to a question from the Chair, Growth Management Director Elkins indicated that the petitioner is seeking an amendment to change the designation, but the Planning Commission

has recommended denial without prejudice and the applicant concurred with the Commission's recommendation. Shannon Gutzmer, Rapid City addressed items #121 (07CA061) and #133 (07RZ076), indicating that zoning exists to protect property owners and to make sure the City grows in a logical and orderly way. Shannon suggested that it is not logical to take a parcel surrounded by residential properties and change the zoning to General Commercial. She also suggested that the proposed zoning change will greatly impact her neighborhood by increasing vehicle traffic. Shannon pointed out other properties that would be more suitable than the proposed parcel that is located near her home. She suggested that the propose change in use will also impact the value of her home. Cheryl Stewart, Rapid City addressed items #121 (07CA061) and #133 (07RZ076), indicating that their neighborhood is quiet, and suggested that she would like to see it remain that way. Kathy Rick, Rapid City addressed items #121 (07CA061) and #133 (07RZ076), indicating her concern about the adverse effect on the comfort, value, and safety of her home. She suggested the proposed change in use will increase traffic and impact drainage. She indicated that the more appropriate use of the parcel under consideration is for an apartment complex. Mike Rosson, Rapid City addressed items #121 (07CA061) and #133 (07RZ076), indicating that his back yard will border on the commercial property and that he did not want to look at this view. Todd Nye, Rapid City addressed items #121 (07CA061) and #133 (07RZ076), indicating that his back yard also borders on the commercial property and suggested that another strip mall is not required. He pointed out that the commercial property will have no security or privacy fencing and the view of dumpsters will not be obscured. Kale McNaboe, Sperlich Consulting representing the petitioners, addressed items #121 (07CA061) and #133 (07RZ076), asking for approval of the items. He explained that the property in question is located on the rear lot lines of adjacent residential properties and it takes access directly from Sheridan Lake Road and has one driveway. He indicated that the intent is to zone the property as Neighborhood Commercial. Under this zoning, the requirements are a thirty foot rear yard setback; twenty-five foot setbacks on the side yards; and a six foot, opaque, privacy fence around the entire perimeter of the property because it abuts residential properties. McNaboe indicated that the petitioner would be willing to screen the dumpster. He indicated that he proposed to work with City staff to relocate the driveway further from its current alignment which does meet the approach/corner clearance separation. Jennifer Landguth, Double L Properties addressed items #121 (07CA061) and #133 (07RZ076), explaining that in the early 1970s this property was a retail location for sporting goods. She also indicated that the property has been a rental property for many years and is in deteriorating condition. Jennifer explained that to keep property zoned residential is not the highest and best use of the land that is located on a major arterial road. She indicated that they do not want to be a detriment to the neighborhood, but their improvements would be a benefit to the neighborhood. Jeff Lage, Double L Properties addressed items #121 (07CA061) and #133 (07RZ076), indicating that they are a residential builder and their intent is to construct a new office for their business. He explained that the structure will have the appearance of a residential home.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 74 - 116

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

89. No. 07PL167 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Tracts A and B of Rushmore Center, located on a portion of the SE1/4 of the NW1/4 of the SE1/4, a portion of the SW1/4 of the NE1/4 of the SE1/4, a portion of the SW1/4 of the SE1/4, and a portion of the SE1/4 of the SE1/4, all in Section 30, T2N, R8E, BHM; vacated Lots 1 thru

21 , and vacation portion of alley of Block 11, vacated portion of Sunnyside Avenue, and Poplar Avenue, all in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NW1/4 of the SE1/4, a portion of the SW1/4 of the NE1/4 of the SE1/4, a portion of the SW1/4 of the SE1/4, and a portion of the SE1/4 of the SE1/4, all in Section 30, T2N, R8E, BHM; vacated Lots 1 thru 21 , and vacation portion of alley of Block 11, vacated portion of Sunnyside Avenue, and Poplar Avenue, all in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of E. Anamosa Street, south of Eglin Street and east of north LaCrosse Street.

101A. 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, water, sewer and pavement along Riley Avenue and Sunnyside Avenue as they abut the subject property. (07SV067)

102. No. 07SV067 - 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 along E. Anamosa Street, Luna Avenue and Riley Avenue and the intersection of Riley Avenue and Sunnyside Avenue as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts A and B of Rushmore Center, located on a portion of the SE1/4 of the NW1/4 of the SE1/4, a portion of the SW1/4 of the NE1/4 of the SE1/4, a portion of the SW1/4 of the SE1/4, and a portion of the SE1/4 of the SE1/4, all in Section 30, T2N, R8E, BHM; vacated Lots 1 thru 21 , and vacation portion of alley of Block 11, vacated portion of Sunnyside Avenue, and Poplar Avenue, all in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NW1/4 of the SE1/4, a portion of the SW1/4 of the NE1/4 of the SE1/4, a portion of the SW1/4 of the SE1/4, and a portion of the SE1/4 of the SE1/4, all in Section 30, T2N, R8E, BHM; vacated Lots 1 thru 21 , and vacation portion of alley of Block 11, vacated portion of Sunnyside Avenue, and Poplar Avenue, all in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of E. Anamosa Street, south of Eglin Street and east of North LaCrosse Street.

Chapman 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 February 4, 2008:

74. No. 06PL189 - A request by Michael Hanson for John & Meredith Humke for a **Preliminary Plat** on Lots 24A and 24B of Block 3 of Stoney Creek Subdivision, formerly Lot 24 of Block 3 of Stoney Creek Subdivision, located in the NE1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 24 of Block 3 of Stoney Creek Subdivision, located in the NE1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Nugget Gulch Drive and Harvard Avenue.

75. No. 07CA050 - A request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot 7 of Marlin Industrial Park,

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

76. No. 07CA051 - A request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Office Commercial** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Thence first course: N78°00'34"E, along the centerline of Marlin Drive, a distance of 201.84 feet, to the end of the previously dedicated Marlin Drive; Thence, second course: N78°00'34"E, a distance of 66.26 feet; Thence, third course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of N76°10'58"E, and chord distance of 63.76 feet; Thence, fourth course: N74°21'21"E, a distance of 66.33 feet; Thence, fifth course: S15°38'39"E, a distance of 29.50 feet; Thence, sixth course: S74°21'21"W, a distance of 54.43 feet; Thence, seventh course: S26°59'57"E, a distance of 151.65 feet; Thence, eighth course: S56°56'40"W, a distance of 309.27 feet; Thence, ninth course: S56°56'40"W, a distance of 50.00 feet; Thence tenth course: curving to the right, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of N28°46'30"W, and chord distance of 89.57 feet; Thence eleventh course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of N23°55'17"W, and chord distance of 20.01 feet, to the end of dedicated Creek Drive centerline; Thence twelfth course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of N17°40'09"W, and chord distance of 197.91 feet, the intersection of centerline of Marlin Drive and Creek

Drive, and the point of beginning; Said Parcel contains 87,663 square feet or 2.012 acres more or less, located southeast of the intersection of Creek Drive and Marlin Drive.

77. No. 07CA052 - A request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Thence, first course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 05°11'13", a length of 272.92 feet, a chord bearing of N79°49'24"E, and chord distance of 272.83 feet; Thence, second course: S15°38'39"E, a distance of 95.46 feet; Thence, third course: S74°21'21"W, a distance of 66.33 feet; Thence, fourth course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of S76°10'58"W, and chord distance of 63.76 feet; Thence fifth course: S78°00'34"W, a distance of 66.26 feet, to the end of dedicated Marlin Drive centerline; Thence sixth course: S78°00'34"W, along the centerline of Marlin Drive, a distance of 201.84 feet, to the intersection of centerline Marlin Drive and Creek Drive; Thence seventh course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 05°21'24", a length of 93.49 feet, a chord bearing of N09°18'43"W, and chord distance of 93.46 feet; Thence eighth course: N06°38'01"W, along the centerline of Creek Drive, a distance of 422.07 feet, to a point on the southerly right-of-way of Elk Vale Road; Thence ninth course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 00°57'11", a length of 50.15 feet, a chord bearing of N82°50'59"E, and chord distance of 50.15 feet, to the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Said Parcel contains 182,629 square feet or 4.193 acres more or less, located northeast of the intersection of Creek Drive and Marlin Drive.
78. 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.
79. 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.
80. No. 07PL107 - A request by FourFront Design, Inc. for Moyle Petroleum Company for a **Preliminary Plat** on Lots 1 and 2 of South Yard Subdivision, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 SW1/4, less Lot H5 (formerly lots 8 thru 10 of Swander's Addition), Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of South Dakota Highway 79 and Minnesota Street.

81. 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.
82. 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.
83. 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.
84. 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.
85. 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.
86. 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.
87. 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.

88. 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.
90. No. 07PL168 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lot 1R of Lot 3 of Sundance Ridge Subdivision, located in the NW1/4 of the NE1/4 and the NE1/4 of the NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1 of Sundance Ridge Subdivision and the north 389.4 feet of Tract C of the NW1/4 of the NE1/4, located in the NW1/4 of the NE1/4 and the NE1/4 of the NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3500 Sheridan Lake Road.
91. No. 07RZ072 - Second Reading, Ordinance No. 5349, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Light Industrial District** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot 7 of Marlin Industrial Park, common to a point on the southerly edge of right-of-way of Marlin Drive, and the point of beginning; Thence, first course: N04°18'35"W, a distance of 29.56 feet, to a point on the centerline of Marlin Drive; Thence, second course: curving to the left, along the centerline of Marlin Drive, on a curve with a radius of 3000.00 feet, a delta angle of 07°43'51", a length of 404.79 feet, a chord bearing of N81°52'30"E, and chord distance of 404.48 feet; Thence, third course: N78°00'34"E, along the centerline of Marlin drive, a distance of 95.10 feet, to intersection of centerline of Marlin Drive and Creek Drive; Thence fourth course: curving to the left, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of S17°40'09"E, and chord distance of 197.91 feet, to the end of previously dedicated Creek Drive; Thence fifth course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of S23°55'17"E, and chord distance of 20.01 feet; Thence sixth course: curving to the left, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of S28°46'30"E, and chord distance of 89.57 feet; Thence seventh course: S56°56'40"W, a distance of 50.00 feet; Thence eighth course: curving to the right, on a curve with a radius of 650.00 feet, a delta angle of 02°21'34", a length of 26.77 feet, a chord bearing of N31°52'33"W, and chord distance of 26.76 feet; Thence ninth course: S59°18'14"W, a distance of 311.85 feet; Thence tenth course: S08°30'44"E, a distance of 235.10 feet, to a point on the section 1/16 line; Thence eleventh course: N89°56'36"W, along the along the section 1/16 line, a distance of 313.37 feet, to the southeasterly corner of said Lot 7; Thence twelfth course: N00°01'20"E, along the easterly boundary of said Lot 7, a distance of 574.90 feet, to the northeasterly corner of said Lot 7, common to a point on the southerly edge of Marlin Drive right-of-way, and the point of beginning, located southwest of the intersection of Creek Drive and Marlin Drive.

92. No. 07RZ073 - Second Reading, Ordinance No. 5350, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Office Commercial District** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Thence first course: N78°00'34"E, along the centerline of Marlin Drive, a distance of 201.84 feet, to the end of the previously dedicated Marlin Drive; Thence, second course: N78°00'34"E, a distance of 66.26 feet; Thence, third course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of N76°10'58"E, and chord distance of 63.76 feet; Thence, fourth course: N74°21'21"E, a distance of 66.33 feet; Thence, fifth course: S15°38'39"E, a distance of 29.50 feet; Thence, sixth course: S74°21'21"W, a distance of 54.43 feet; Thence, seventh course: S26°59'57"E, a distance of 151.65 feet; Thence, eighth course: S56°56'40"W, a distance of 309.27 feet; Thence, ninth course: S56°56'40"W, a distance of 50.00 feet; Thence tenth course: curving to the right, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of N28°46'30"W, and chord distance of 89.57 feet; Thence eleventh course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of N23°55'17"W, and chord distance of 20.01 feet, to the end of dedicated Creek Drive centerline; Thence twelfth course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of N17°40'09"W, and chord distance of 197.91 feet, the intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Said Parcel contains 87,663 square feet or 2.012 acres more or less, located southeast of the intersection of Creek Drive and Marlin Drive.
93. No. 07RZ074 - Second Reading, Ordinance No. 5351, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Thence, first course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 05°11'13", a length of 272.92 feet, a chord bearing of N79°49'24"E, and chord distance of 272.83 feet; Thence, second course: S15°38'39"E, a distance of 95.46 feet; Thence, third course: S74°21'21"W, a distance of 66.33 feet; Thence, fourth course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of S76°10'58"W, and chord distance of 63.76 feet; Thence fifth course: S78°00'34"W, a distance of 66.26 feet, to the end of dedicated Marlin Drive centerline; Thence sixth course: S78°00'34"W, along the centerline of Marlin Drive, a distance of 201.84 feet, to the intersection of centerline Marlin Drive and Creek Drive; Thence seventh course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 05°21'24", a length of 93.49 feet, a chord bearing of N09°18'43"W, and chord distance of 93.46 feet; Thence eighth course: N06°38'01"W, along the centerline of Creek Drive, a distance of 422.07 feet, to a point on the southerly

right-of-way of Elk Vale Road; Thence ninth course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 00°57'11", a length of 50.15 feet, a chord bearing of N82°50'59"E, and chord distance of 50.15 feet, to the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Said Parcel contains 182,629 square feet or 4.193 acres more or less, located northeast of the intersection of Creek Drive and Marlin Drive.

94. No. 07SE001 - A request by City of Rapid City for a **Special Exception to allow Ten Light Poles in the Hydraulic Floodway** on Tract 27 of Rapid City Greenway Tracts, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 125 Waterloo Street.
95. 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.
96. No. 07SV048 - A request by FourFront Design, Inc. for Moyle Petroleum Company for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, street light conduit and sidewalk on the rearage road and a variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, street light conduit and sidewalk on Minnesota Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of South Yard Subdivision, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 SW1/4, less Lot H5 (formerly lots 8 thru 10 of Swander's Addition), Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of South Dakota Highway 79 and Minnesota Street.
97. 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.
98. 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.

99. 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. 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.
101. 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.
103. No. 07SV068 - 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 along Sunset Vista Road and the Access Easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1R of Lot 3 of Sundance Ridge Subdivision, located in the NW1/4 of the NE1/4 and the NE1/4 of the NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1 of Sundance Ridge Subdivision and the north 389.4 feet of Tract C of the NW1/4 of the NE1/4, located in the NW1/4 of the NE1/4 and the NE1/4 of the NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3500 Sheridan Lake Road.
104. 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.

Continue the following items until February 19, 2008:

105. 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.
106. 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.
107. 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 Beard 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.
108. 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.

109. 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.
110. 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.
111. 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.
112. 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.

Continue the following items until March 3, 2008:

113. No. 07CA023 - A request by Scull Construction for Whittingham & Lestrangle, LPI for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development** on a parcel of land located in the NE1/4 SW1/4 in Section 23, T1N, R7E,

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

114. No. 07PL067 - A request by Scull Construction for Whittingham & Lestrage, LPI for a **Preliminary Plat** on Tracts 1 thru 3 of Block 1, Lot 1, Lot 3 and Lot 4 of Block 2 of Tower Ridge 2; Tract B Revised, Lot 1 and Lot 2 of Tract AR2 of Needles Subdivision, Lot 1 and Lot 2 of Tract A of Meadow View Subdivision; Promise Road Right-of-Way; Dakota Canyon Road Right-of-Way; all located in the SW1/4 of Section 23 and in the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted portion of the SW1/4 of Section 23; the remainder of Lots 2 and 3 of Block 2 and a portion of Silver Nugget Drive Right-of-Way of Aladdin Heights Subdivision; Lots 1 thru 4, a portion of Lots 5 thru 7, Lots 8 thru 12 of Block 1 and Tablerock Road Right-of-Way of Tower Ridge 2 in Section 23; Lot H3 in Section 23 and Lot H4 in Section 26 (Promise Road Right-of-Way); Lot 1 of Shipman Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract a of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.
115. No. 07RZ043 - Second Reading, Ordinance No. 5305, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Scull Construction for Whittingham & Lestrage, LPI for a **Rezoning from Park Forest District to General Commercial District** on a parcel of land located in the NE1/4 SW1/4 in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, described as follows: commencing at the rear lot corner common to Lots 3 and 4 of Block 1 of Tower Ridge 2 Subdivision, rebar with a survey cap stamped LS 6117, Thence S25°59'34"E a distance of 55.29' to the point of beginning; Thence First Course: along a line with a bearing of N00°00'38"E and a distance of 355.70; Thence Second Course: along a line with a bearing of S10°41'47"E and a distance of 590.96 feet; to an intersection with the northerly line of Lot 5 of Block 1 of Tower Ridge 2 Subdivision; Thence Third Course: along said Lot 5 and the northerly line of Lot 4 of Block 1 of Tower Ridge 2 Subdivision with a bearing of N25°59'34"W and a distance of 250.40 feet to the Point of Beginning, located northeast of Table Rock Road.
116. No. 07SV026 - A request by Scull Construction for Whittingham & Lestrage, LPI for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts 1

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

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

The Mayor presented No. 07PL167, a request by Dream Design International, Inc. for a **Preliminary Plat** on Tracts A and B of Rushmore Center, located on a portion of the SE1/4 of the NW1/4 of the SE1/4, a portion of the SW1/4 of the NE1/4 of the SE1/4, a portion of the SW1/4 of the SE1/4, and a portion of the SE1/4 of the SE1/4, all in Section 30, T2N, R8E, BHM; vacated Lots 1 thru 21, and vacation portion of alley of Block 11, vacated portion of Sunnyside Avenue, and Poplar Avenue, all in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NW1/4 of the SE1/4, a portion of the SW1/4 of the NE1/4 of the SE1/4, a portion of the SW1/4 of the SE1/4, and a portion of the SE1/4 of the SE1/4, all in Section 30, T2N, R8E, BHM; vacated Lots 1 thru 21, and vacation portion of alley of Block 11, vacated portion of Sunnyside Avenue, and Poplar Avenue, all in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of E. Anamosa Street, south of Eglin Street and east of north LaCrosse Street. LaCroix moved, second by Hadcock and carried to approve the Preliminary Plat with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the extension of Luna Avenue right-of-way through the subject property to E. Anamosa Street as per the Major Street Plan. In addition, prior to submittal of a Final Plat application, surety shall be posted for the design and construction of Luna Avenue showing the street located in a minimum 60 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Turn lanes and stacking lanes shall also be provided as per the Traffic Impact Study submitted with Preliminary Plat #07PL038 (Rushmore Crossing) by Felsburg, Holt & Ullevig; 2. Prior to submittal of a Final Plat application, the plat document shall be revised to provide the additional right-of-way along E. Anamosa Street. In addition, surety shall be posted for the design and construction of E. Anamosa Street showing the street located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Surety shall also be posted for the design and construction of the balance of the existing right-of-way located along the south side of the property showing the street constructed with a minimum 27 foot wide right-of-way, curb, gutter, sidewalk, street light conduit, water and sewer; 3. Prior to Preliminary Plat approval by the City Council, road construction plans for Riley Avenue and Sunnyside Avenue

shall be submitted for review and approval. In particular, the construction plans shall show the streets constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to submittal of a Final Plat application, surety shall be posted for a drainage plan in compliance with the Drainage Criteria Manual. In particular, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. The plat document shall also be revised to provide drainage easements as necessary; 5. Prior to submittal of a Final Plat application, surety shall be posted for a grading plan and an erosion and sediment control plan for all improved areas. No construction can occur until plans are approved; 6. Prior to Preliminary Plat approval by the City Council, a cost estimate shall be submitted for review and approval; 7. Upon submittal of a Final Plat application, surety for any required subdivision design and improvements shall be posted and the subdivision inspection fees shall be paid; and, 8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

LaCroix moved, second by Weifenbach and carried to a 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, water, sewer and pavement along Riley Avenue and Sunnyside Avenue as they abut the subject property. (07SV067)

The Mayor presented No. 07SV067, 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 along E. Anamosa Street, Luna Avenue and Riley Avenue and the intersection of Riley Avenue and Sunnyside Avenue as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts A and B of Rushmore Center, located on a portion of the SE1/4 of the NW1/4 of the SE1/4, a portion of the SW1/4 of the NE1/4 of the SE1/4, a portion of the SW1/4 of the SE1/4, and a portion of the SE1/4 of the SE1/4, all in Section 30, T2N, R8E, BHM; vacated Lots 1 thru 21 , and vacation portion of alley of Block 11, vacated portion of Sunnyside Avenue, and Poplar Avenue, all in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NW1/4 of the SE1/4, a portion of the SW1/4 of the NE1/4 of the SE1/4, a portion of the SW1/4 of the SE1/4, and a portion of the SE1/4 of the SE1/4, all in Section 30, T2N, R8E, BHM; vacated Lots 1 thru 21 , and vacation portion of alley of Block 11, vacated portion of Sunnyside Avenue, and Poplar Avenue, all in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of E. Anamosa Street, south of Eglin Street and east of North LaCrosse Street. LaCroix moved, second by Hadcock and carried that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Riley Avenue and Sunnyside Avenue be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Luna Avenue 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 E. Anamosa Street be denied.

LaCroix moved, second by Chapman and carried to close the public hearing on items 74 – 133.

CONSENT PUBLIC HEARING ITEMS – Item 117 - 118

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

ALCOHOL LICENSES

117. Black Hills QMG, LLC dba **Qdoba Mexican Grill**, 741 Mt. View Road for a Retail (On-Off Sale) Malt Beverage License (NO Video Lottery) TRANSFER from Dakota Fresh-Mex, LLC dba Qdoba Mexican Grill, 741 Mt. View Road
118. Country Stores, Inc. dba **BJ's St. Patrick Street**, 701 E. St. Patrick Street for a Package (Off Sale) Malt Beverage License TRANSFER from Kusler's Conoco Inc. dba Kusler's Conoco, 701 E. St. Patrick Street

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 119 – 133

The Mayor presented No. 07FV009, a request by Ted Rufeldt, Jr. for Rapid City/Pennington County 911 to consider an application for a **Fence Height Exception** to allow a fence in excess of six feet on the S1/2 W1/2 SE1/4 NW1/4 and the N1/2 W1/2 SE1/4NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 940 Skyline Drive. LaCroix moved, second by Hadcock to approve the Fence Height Exceptions with the following stipulation: Obtain a building permit prior to construction. Motion carried with Kooiker abstaining.

The Mayor presented No. 07CA060, a request by Lynn Livingston for James and Pamela Giese for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on Lots 19 and 20 of Block 3 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1021 St. Joseph Street. LaCroix moved, second by Olson to deny without prejudice with the applicant's concurrence. Elkins, responding to a question from Alderman Hurlbut, indicated that this property is part of parcels of land that were rezoned, within the last eighteen months. She noted that there was extensive discussion and objections from the neighborhood about General Commercial zoning. She explained that there was a request that was withdrawn, and resubmitted as Office Commercial, as a compromise. The concerns from the neighborhood are that the buildings are historic buildings that should be reused. The Planning Commission did, when they approved it with a Planned Development as Office Commercial, indicate that they wanted to see those structures retained. This limits the number of parking spaces and other issues that have to be addressed. Elkins indicated that the applicant has indicated that they would like to use this for an antique business; and indicated at the Planning Commission meeting that they have not had the chance to fully explore how they might provide off-street parking. The Planning Commission's indication it that they are concern about the General Commercial rezoning because of the wide-range of uses that could be allowed on this site. They suggested that the applicant further explore bringing forward an actual planned development request for the site that could be reviewed and considered on its merits. Alderman Hurlbut indicated that the West Boulevard neighborhood and members of Historic Preservation have voiced positive comments about the current property owner and their willingness to work with the owner to develop the property. He asked that every attempt be made to help the owner

develop a piece of property that is deteriorating. Responding to a question from Alderman Hadcock, Elkins indicated that antique stores are not allowed in Neighborhood Commercial Zoning Districts. Hadcock pointed out to the members of the Council, that the applicant has no option available to him to develop the property with an antique store. Alderman Olson believed that the designation of Office Commercial best fits the location under consideration. Kooiker indicated that the City should review the definitions of Office Commercial and Neighborhood Commercial to determine if they can be changed to allow antique stores. Upon a vote being taken on the motion to deny, motion carried.

The Mayor presented No. 07CA061, a request by Sperlich Consulting, Inc. for Double L Properties for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Neighborhood Commercial** on the south 210 feet of the east 358 feet of the NE1/4 of the SW1/4, less Lot H-1 located in the NE1/4 of the SW1/4, Section 10, T1N, R7E, BHM, Pennington County, South Dakota, located at 2935 Sheridan Lake Road. LaCroix moved, second by Olson to deny without prejudice. Alderman Olson indicated that it is important to remember that the area in question is a residential neighborhood; and suggested that the request results in spot zoning. Olson indicated that the change does not serve the long term needs of the neighborhood for quiet and non-intrusiveness. In the interest of the neighborhood, Olson suggested the land remain residential and indicated that it would be a disservice if the City changed something that affects both the quality of life and the financial integrity of one of their largest investments. Alderman Kooiker suggested, and Alderman Hadcock offered support, for a Planned Commercial Development to address any issues. Alderman Johnson believed the plan was reasonable, but believed there should be safeguards in place for the neighborhood to feel safe. He pointed out the need for buffering, landscaping, and a clarification on what type(s) of business will locate on the property. Upon a vote being taken on the motion to deny, motion carried with Johnson voting NO.

LaCroix moved, second by Weifenbach and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of water and sewer along Third Street and Rapid Street as they abut Dan's Supermarket Tract Revised, less Lot 1 [also in Block 67] and less Lot H-1 of Block 66 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 333 Omaha Street. (07SV042)

The Mayor presented No. 07SV042, a request by TSP for Bob Brandt for a **Variance to the Subdivision Regulations to reduce the width of the access easement from 59 feet to 26 feet, to waive the requirement to provide a minimum eight foot wide drainage and utility easement, and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Tract 1 and Tract 2 of Tuscany Square Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Dan's Supermarket Tract Revised, less Lot 1 [also in Block 67] and less Lot H-1 of Block 66 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 333 Omaha Street. LaCroix moved, second by Johnson and carried that the Variance to the Subdivision Regulations to reduce the width of the access easement from 59 feet to 26 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement be denied without prejudice with the applicant's concurrence; that the Variance to the Subdivision Regulations to waive the requirement to provide a minimum eight foot wide drainage and utility easement along the interior of all lot lines be approved with the

following stipulation: 1. An eight foot wide drainage and utility easement shall be provided along the interior of all lot lines except where the easement interferes with an existing building; that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Rapid Street be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement; and, that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Third Street be approved with the following stipulation. 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement.

The Mayor presented No. 07SV050, a request by Sperlich Consulting, Inc. for James Letner for a **Variance to the Subdivision Regulations to waive the requirement to dedicate 10 additional feet of right-of-way and provide a planting screen easement along E. St. Patrick Street; to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, to dedicate 17 feet of right-of-way and provide a planting screen easement along Creek Drive; and to install sidewalk along the south side of E. St. Charles Street as per Chapter 16 of the Rapid City Municipal Code** on Lots 1 thru 8 of Market Square Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Lot 3 of Tract D, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Creek Drive and East St. Patrick Street. LaCroix moved, second by Johnson to approve per the Planning Commission recommendations. Substitute motion was made by Johnson, second by Kooiker and carried to withdraw at the applicant's request.

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, street light conduit, additional pavement or additional extension of water or sewer main as it abuts a portion of Lot A of Biernbaum Subdivision, located in the NW1/4 SW1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat recorded July 10, 1997 and recorded in Book 28 of Plats on Page 27, more fully described as follows: Beginning at the southwest corner of said Lot A of Biernbaum Subdivision, said corner being marked by a rebar with survey cap "RW FISK 6565"; thence, northerly along the westerly edge of said Lot A of Biernbaum Subdivision and along the easterly edge of Highway 79 right-of-way, N00°01'09"W, a distance of 225.01 feet more or less, to an angle point of said Lot A of Biernbaum Subdivision, said corner being marked by a rebar with survey cap "LS4208" and said corner being coincident with the southwesterly corner of Lot B of Biernbaum Subdivision, as shown on the plat recorded July 10, 1997 and recorded in Book 28 of Plats on Page 27; thence, easterly along the northerly edge of said Lot A of Biernbaum Subdivision and along the southerly edge of Lot B of Biernbaum Subdivision, N89°51'25"E, a distance of 206.31 feet more or less, to a point on the westerly edge of Amended Lot H2 of Lot A of Biernbaum Subdivision, as shown in the plat filed April 8, 2003 and recorded in Book 10 of Highway Plats on Page 111, said point being marked by a rebar with survey cap "LS 6119"; thence, southerly along the westerly edge of said Amended Lot H2 of Lot A of Biernbaum Subdivision, S00°05'02"W, a distance of 225.68 feet more or less, to the south line of said Lot A of Biernbaum Subdivision, also being the southwest corner of said Amended Lot H2 of Lot A of Biernbaum Subdivision, said corner being marked by a "SDDOT Monument"; thence, westerly along the southerly line of said Lot A of Biernbaum Subdivision, N89°57'30"W, a distance of 205.90 feet more or less, to the point of beginning, located at 4280 South Highway 79. (07SV051)

The Mayor presented No. 07SV051, a request by Fisk Land Surveying & Consulting Engineers, Inc. for Pacific Steel and Recycling for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, additional pavement or additional extension of water or sewer main in any adjoining right-of-way, and the requirement to dedicate additional right-of-way** on a portion of Lot A of Biernbaum Subdivision, located in the NW1/4 SW1/4, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot A of Biernbaum Subdivision, located in the NW1/4 SW1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat recorded July 10, 1997 and recorded in Book 28 of Plats on Page 27, more fully described as follows: Beginning at the southwest corner of said Lot A of Biernbaum Subdivision, said corner being marked by a rebar with survey cap "RW FISK 6565"; thence, northerly along the westerly edge of said Lot A of Biernbaum Subdivision and along the easterly edge of Highway 79 right-of-way, N00°01'09"W, a distance of 225.01 feet more or less, to an angle point of said Lot A of Biernbaum Subdivision, said corner being marked by a rebar with survey cap "LS4208" and said corner being coincident with the southwesterly corner of Lot B of Biernbaum Subdivision, as shown on the plat recorded July 10, 1997 and recorded in Book 28 of Plats on Page 27; thence, easterly along the northerly edge of said Lot A of Biernbaum Subdivision and along the southerly edge of Lot B of Biernbaum Subdivision, N89°51'25"E, a distance of 206.31 feet more or less, to a point on the westerly edge of Amended Lot H2 of Lot A of Biernbaum Subdivision, as shown in the plat filed April 8, 2003 and recorded in Book 10 of Highway Plats on Page 111, said point being marked by a rebar with survey cap "LS 6119"; thence, southerly along the westerly edge of said Amended Lot H2 of Lot A of Biernbaum Subdivision, S00°05'02"W, a distance of 225.68 feet more or less, to the south line of said Lot A of Biernbaum Subdivision, also being the southwest corner of said Amended Lot H2 of Lot A of Biernbaum Subdivision, said corner being marked by a "SDDOT Monument"; thence, westerly along the southerly line of said Lot A of Biernbaum Subdivision, N89°57'30"W, a distance of 205.90 feet more or less, to the point of beginning, located at 4280 South Highway 79. LaCroix moved, second by Johnson and carried that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along the east-west rearage road be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; That the Variance to the Subdivision Regulations to waive the requirement to install sewer along the east-west rearage road be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit along the east-west rearage road be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; That the Variance to the Subdivision Regulations to waive the requirement to install water, pavement, and dedicate additional right-of-way along the east-west rearage road be denied; That the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along the north-south rearage road be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; That the Variance to the Subdivision Regulations to waive the requirement to install water along the north-south rearage road be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit along the north-south rearage road be approved with the following stipulation: 1. Prior to City Council approval, the applicant

shall sign a waiver of right to protest any future assessment for the improvements; and, That the Variance to the Subdivision Regulations to waive the requirement to install sewer and pavement along the rearage road be denied.

The Mayor presented No. 07SV065, a request by Arleth & Associates for a **Variance to the Subdivision Regulations to reduce the Right-of-way width along West Kansas City Street from 59 feet to 55 feet and to reduce the Right-of-Way width along Jackson Boulevard from 100 feet to 65 feet as per Chapter 16.16 of the Rapid City** 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. LaCroix moved, second by Johnson and carried that the Variance to the Subdivision Regulations to reduce the Right-of-way width along Jackson Boulevard from 100 feet to 65 feet be denied without prejudice; and, that the Variance to the Subdivision Regulations to reduce the Right-of-way width along West Kansas City Street from 59 feet to 55 feet be approved.

The Mayor presented No. 07SV066, a request by Renner & Associates for Pete Lien and Sons for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Sturgis Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Lot A and Lot BR of Keller Subdivision, located in the S1/2 of the SE1/4, Section 17, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots A and B of Keller Subdivision, located in the S1/2 of the SE1/4, Section 17, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Sturgis Road and north of Universal Drive. LaCroix moved, second by Johnson and carried to deny without prejudice at the applicant's request.

The Mayor presented No. 07SV069, a request by FMG, Inc. for Jackson Park, LLC for a **Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb, gutter, water, sewer, sidewalk, and street light conduit along the access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Ray Kraemer Subdivision, formerly Lot 1 of Lot A of the SE1/4 of the SW1/4, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Lot A of the SE1/4 of the SW1/4, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Jackson Boulevard and Central Boulevard. LaCroix moved, second by Johnson and carried to approve the Variance.

The Mayor presented No. 07SV071, a request by Sperlich Consulting, Inc. for Dalwyn Vandenhoeck for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk and to reduce pavement width and right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 48A and 48B of Village on the Green No. 2 Subdivision located in the NW1/4 of the NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 48 of Village on the Green No. 2 Subdivision located in the NW1/4 of the NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, located on Mulligan Mile 0.369 miles northwest of the intersection of Anina Court and Arena Drive. LaCroix moved, second by Johnson and carried that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be approved with the stipulation that a five foot access easement shall be provided along Mulligan Mile as it abuts the property; and, that the Variance to the Subdivision Regulations to waive the

requirement to install sidewalks along both sides of Mulligan Mile be approved with the stipulation that an eight foot wide asphalt walking trail shall be provided along the north side of the northern tier of lots located along the golf course.

The Mayor presented No. 07SV072, a request by City of Rapid City for a **Variance to the Subdivision Regulations to waive the requirement to dedicate Right-of-way, to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement and to waive the requirement that each lot shall be provided with access from a public street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A, B and C of Lot 2 of Block 10 and Block 13, located in the SW1/4 NE1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Block 10 and Lot 2 of Block 13, located in the SW1/4 NE1/4 NW1/4, Section 2, T1N, R7E, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the west side of Skyline Drive and North of Dinosaur Park. LaCroix moved, second by Johnson and carried to approve the Variance.

The Mayor presented No. 07RZ075, second reading of Ordinance No. 5354, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Lynn Livingston for Pamela and James Giese for a **Rezoning from Office Commercial District to General Commercial District** on Lots 19 and 20 of Block 3 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1021 St. Joseph Street. Notice of hearing was published in the Rapid City Journal on December 8, 2007 and December 15, 2007. Ordinance No. 5332 having had the first reading on December 3, 2007; Hadcock moved, second by Johnson and carried to deny without prejudice at the applicant's request.

The Mayor presented No. 07RZ076, second reading of Ordinance No. 5359, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Sperlich Consulting, Inc. for Double L Properties for a **Rezoning from Low Density Residential District to Neighborhood Commercial District** on the south 210 feet of the east 358 feet of the NE1/4 of the SW1/4, less Lot H-1 located in the NE1/4 of the SW1/4, Section 10, T1N, R7E, BHM, Pennington County, South Dakota, located at 2935 Sheridan Lake Road. Notice of hearing was published in the Rapid City Journal on January 12, 2008 and January 19, 2008. Ordinance No. 5359 having had the first reading on January 7, 2008; Hadcock moved, second by Olson to deny without prejudice. Alderman Johnson indicated is opposition to the motion, suggesting it would be appropriate to continue to allow the applicant to work through the process. Motion carried with Johnson voting NO.

BILLS

The following bills having been audited, it was moved by Chapman, second by Hadcock and carried to authorize the Finance Officer to issue warrants or treasurer's checks, drawn on the proper funds, in payment thereof; and, issue a treasurer's check to Dan and Laurie Smith and/or the appropriate title company:

Payroll Paid Ending 1-5-08, Paid 1-11-08	769,484.94
Payroll Paid Ending 1-5-08, Paid 1-11-08	2,969.60
Pioneer Bank, Taxes Paid 1-11-08	187,011.86
Pioneer Bank, Taxes Paid 1-11-08	214.91

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South Dakota Retirement, Retirement Paid 1-4-08	352,337.48
South Dakota Retirement, Retirement Paid 1-4-08	341.03
First Administrators, claims paid 1-2-08	38,882.98
First Administrators, claims paid 1-9-08	94,840.14
First Administrators, claims paid 1-15-08	71,270.16
1ST National Bank in Sioux Falls, SRF loan	388,219.18
1ST National Bank in Sioux Falls, SRF loan	8,362.32
Berkley Risk Administrators, claims paid 1-7-08	31,988.20
SD Retirement Special Pay Plan, Charles, W 1-11-08	45.00
Black Hills Power & Light, electricity	31,186.94
United States Postmaster, postage	1,800.00
South Dakota Dept of Revenue, sales tax payable 12-21-07	19,996.51
South Dakota Dept of Revenue, sales tax payable 12-21-07	23,716.72
South Dakota Dept of Revenue, excise tax payable 12-21-07	212.40
Computer Bill List	<u>7,154,794.31</u>
Subtotal	\$9,177,674.68
Payroll Paid Ending 1-5-08, Paid 1-11-08	2,730.26
Pioneer Bank, Taxes Paid 1-11-08	192.74
South Dakota Retirement, Retirement Paid 1-4-08	313.14
City of Rapid City, postage	5.61
City of Rapid City, health insurance	1,178.00
City of Rapid City, computer supplies	82.56
ConocoPhillips, gas	59.54
Dakota Business Center, copier usage	7.44
Kmart, gift wrapping supplies	148.16
Marlin Leasing, copier lease	1.46
Prairiewave Communications, phone	23.33
Wright Express, gas	61.64
Standard Life, life insurance	<u>7.00</u>
Subtotal	\$9,182,485.56
Dan and Laurie Smith, Skyline acquisition	<u>110,000.00</u>
Total	\$9,292,485.56

EXECUTIVE SESSION permitted by SDCL 1-25-2

Chapman moved, second by Hurlbut and carried to go into Executive Session at 10:01 P.M. for the reasons permitted by SDCL 1-25-2. The Council came out of Executive Session at 10:39 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 10:40 P.M.

CITY OF RAPID CITY

ATTEST:

Finance Office

Mayor

(SEAL)