

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

June 16, 2008

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, June 16, 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, Bill Okrepkie, Malcom Chapman, Ron Weifenbach, Karen Olson, Ron Kroeger and Sam Kooiker; and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: None.

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

### **ADOPTION OF AGENDA**

The following items were added to the agenda:

- Soccer Complex, Alderman Okrepkie
- National Guard, Alderman Olson
- National League of Cities Leadership program entitled "Thinking and Acting Strategically in Local Government", Alderman Chapman
- Advise Council of Mayor and Finance Officer's intent to sell bonds for the Civic Center and parking ramp as bank qualified
- Waive \$150 fee for the lease of one set of bleachers to the Festival of Presidents for the parade to be held on June 28, 2008
- Authorize the lease of one set of bleachers for \$150 to Black Hills Harley Davidson for a Rushmore RollerZ Exhibition game on June 21, 2008
- Ask Mayor to request staff to update Trailer Mounted Hydraulic Mobile Bleacher System Application and Agreement
- Consider agenda item 36 (08AN007) after agenda item 131

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

### **APPROVE MINUTES**

Motion was made by Chapman, seconded and carried to approve the minutes for June 2, 2008 and correct minutes of April 7, 2008 to reflect a correct project number for Saint Andrew Street Reconstruction Project No. ST07-1604 / CIP No. 50410.

### **AWARDS AND RECOGNITIONS**

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

### **GENERAL PUBLIC COMMENT**

John Brewer, Destination Rapid City indicated the need to make changes in downtown Rapid City to reward local residents and visitors with services and entertainment, and business owners who invest in real estate, inventory, culture, and jobs for Rapid City. He indicated that those changes will be cultural and economics. Based on the Roger Brooks report and the work of the Revitalization Task Force, DRC believes the creation of an Economic Corporation should be formed. This working group of downtown business leaders would work under the name of Destination Rapid City; and would partner with Rapid City, the Chamber of Commerce, and the Downtown Association to form a Downtown Economic Development entity. They would also partner with other civic groups and businesses. Brewer outlined the Mission Statement of Destination Rapid City as providing economic development; revitalizing and redeveloping the downtown business district; creating a vibrant business environment; enhancing the value of real estate; increasing sales of products and services; leaving a cultural heritage for future generations; and providing an attractive gathering place, family place, an arts place, and a residential place. An element of the redevelopment plan is to create a plaza and downtown property owners and private citizens have committed over \$1 Million for such a plaza. Work will also begin on a pedestrian overpass on Omaha Street, connecting the Civic Center, Journey Museum, and bike path to the downtown area. Brewer indicated that surveys, completed by people throughout the downtown area, listed the following improvements to enhance Rapid City: attract new businesses, create new jobs, cleaner and safer downtown, more arts, entertainment, and parking options.

Rapid City Public Library Board of Trustees, Jim Olson addressed the Council (No. CC061608-03), indicating that the planning process is continuing at the library and they are working on the strategic plan all the time. The library believes its stakeholders are the citizens of Rapid City and the Library wants to respond to the needs of the community and have set goals based upon those needs. Olson indicated that the Library Board of Trustees and staff are excited about the developments that have allowed the Library to start a north branch at General Beadle. Olson pointed out the growth of the Library, in the last four years in all areas; and outlined the increases in youth program attendance, adult program attendance, and reference and circulation services. Olson offered the appreciation of the Board of Trustees to the Council for their continued support.

Liz Folsom, Rapid City addressed the Council about the conduct of its members.

### **NON-PUBLIC HEARING ITEMS** -- Items 5 - 73

Motion was made by Chapman, seconded and carried to open public comment on Items 5 - 55. No comments were offered. Motion was made by Okrepkie, seconded and carried to close public comment on Items 5 - 55.

### **CONSENT ITEMS** – Items 5 - 55

The following items were removed from the Consent Items:

13. Request Council President to schedule an open meeting to discuss public meetings and public input
30. No. LF061108-01 – Approve appointment of Steve Rolinger, Julie Gregg, Karen Waltman, Tom Hennies, and Linda Marchand to the Planning Commission

33. No. LF061108-03 - Request Mayor and City Council leadership form a committee to address funding for infrastructure development to be utilized by the City in guiding future growth and development
36. No. 08AN007 - Approve a request by City of Rapid City to consider an application for a Resolution of Annexation

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

***Alcoholic Beverage License Applications Set for Hearing (July 7, 2008)***

5. **Scottish & Irish Society** for a special Beer License for an event scheduled August 29 and 30, 2008 in Memorial Park
6. Bach Investment, Inc. dba **Hideaway Casino**, 1575 N. LaCrosse Street, Suite D for a Retail (On-Off Sale) Malt Beverage License with Video Lottery TRANSFER from M&B Investments, Inc. dba The Hideaway, 1575 LaCrosse Street
7. Bach Investment, Inc. dba **Hideaway Casino**, 1575 N. LaCrosse Street, Suite D for a Package (Off Sale) Liquor License TRANSFER from M&B Investments, Inc. dba The Hideaway, 1575 LaCrosse Street

2008 – 2009 Retail (On-Off Sale) Malt Beverage License NOT ELIGIBLE Video Lottery

8. Two Lefties' and Rancho's Mexican Grills LLC dba Pancho's Mexican Grill, 1221 W. Omaha for a Retail (On-Off Sale) Malt Beverage License NO Video Lottery
9. Asian Gardens, Inc. dba Asian Garden, 740 Mt. View Road for a Retail (On-Off Sale) Malt Beverage License NO Video Lottery
10. Li Zhu Zhu dba Hong Kong Buffet, 927 East North Street for a Retail (On-Off Sale) Malt Beverage License NO Video Lottery
11. Li Zhu Zhu dba Coco Palace, 1900 N. Maple Avenue for a Retail (On-Off Sale) Malt Beverage License NO Video Lottery
12. Arrowhead Country Club dba Arrowhead Country Club, 3675 Sheridan Lake Road for a Retail (On-Off Sale) Malt Beverage License NO Video Lottery

***Public Works Committee Consent Items***

14. No. PW061008-01 – Approve Change Order No. 1 for East Mall Drive Connection - North LaCrosse Street to East North Street Project No. ST06-1334b / CIP No. 50521 to Knife River Midwest LLC for an increase of \$12,942.20
15. No. PW061008-02 – Approve Change Order No. 2 for East Mall Drive Connection - North LaCrosse Street to East North Street Project No. ST06-1334b / CIP No. 50521 to Knife River Midwest LLC for an increase of \$43,600.00
16. No. PW061008-03 – Authorize staff to advertise for bids for 2008 Miscellaneous Improvements Project No. MIP08-1685
17. No. PW061008-10 – Authorize staff to advertise for bids for Block 75 Parking Structure Third Level Addition Project No. IDP08-1725
18. No. PW061008-04 – Authorize Mayor and Finance Officer to sign an Agreement with FMG, Inc. for the 2008 Geotechnical/Materials/QA-QC Program Project No. ST08-1698 / CIP Nos. 50591, 50592, and 50637 for an amount not to exceed \$60,000
19. No. PW061008-05 – Authorize Mayor and Finance Officer to sign an Agreement with Ferber Engineering Company, Inc. for West Boulevard Area Sewer Reconstruction

- Project No. SS08-1728 / CIP No. 50422 to perform a Sanitary Sewer and Storm Sewer System Evaluation for an amount not to exceed \$84,606.25
20. No. PW061008-06 – Authorize Mayor and Finance Officer to sign an Agreement with FMG, Inc. for Elk Vale Road Sanitary Trunk Sewer Extension – Phase 2 Project No. SS08-1729 / CIP No. 50726 to construct sanitary trunk sewer main in Elk Vale Road beginning at Concourse Drive and extending north to Homestead Drive for an amount not to exceed \$42,840
  21. No. PW061008-07 – Authorize staff to seek proposals for a Non-Methane Organic Compound (NMOC) Investigation and a Landfill Gas Study at the Rapid City Landfill Project No. SWO08-1739 / CIP No. 50737
  22. No. PW061008-08 – Approve the request from Tetra Tech on behalf of Evergreen Energy for disposal of storm water
  23. No. 08TP014 – Approve Amendment No. 08-008 to the 2008-2012 Transportation Improvement Program
  24. No. 08TP015 – Approve 2009-2013 Rapid City Area Transportation Improvement Program – Draft Report, subject to conversations with the DOT about the timing of said projects
  25. No. 08VE012 - Approve a request by Riss Homes for Charles E. Glodd to consider an application for a **Vacation of Non-Access Easement** on Lot 6 of Block 1 of Dunham Estates, located in the NE1/4 NE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Nicklaus Drive and Dunham Drive.

RESOLUTION OF VACATION  
A PORTION OF A NON-ACCESS EASEMENT

WHEREAS the Rapid City Council held a public hearing on the 16th day of June, 2008 to consider the vacation of a portion of a Non-Access Easement on Lot 6 of Block 1 of Dunham Estates, located in the NE¼ NE¼, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at southeast corner of the intersection of Nicklaus Drive and Dunham Drive; 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 16th day of June, 2008.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks

(SEAL)

- 26. No. PW061008-09 – Approve acquisition of property and authorize FMG, Inc. to prepare an H Lot on behalf of the City for property located in the SW1/4 NW1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
- 27. No. PW06108-11 – Authorize Mayor and Finance Officer to sign an Agreement between the City of the Rapid City and SYB, LLC to Allow for Acceptance of Public Improvements Before the Completion of Sidewalks for Lots 13B, 19 and Tract H of Block 4: Lots 1A, 1B, 2A, 2B, 3A, 3B, 13 and 14 of Block 19; and Lot 10 of Block 20, all in Big Sky Subdivision, Phase 10.
- 28. Acknowledge the Solid Waste/Landfill Report

**Legal & Finance Committee Consent Items**

- 29. No. LF043008-01A - Approve request to allocate CDBG Funds in the amount of \$11,091 for the purchase of 710 Blaine Avenue
- 31. No. LF061108-21 – Approve appointment of Dr. Bert Corwin to the Rapid City Regional Airport Board
- 32. No. LF061108-22 – Approve appointment of John Wagner to the Historic Preservation Commission
- 34. Set July 1, 2008, at 12:15 P.M. for canvassing the vote from the runoff election to be held on June 24, 2008
- 35. No. LF061108-04 – Authorize staff to apply for 2008 COPS Hiring Grant
- 37. No. LF061108-17 – Authorize staff to draft revisions to Chapter 12.44 of the Rapid City Municipal Code (Travel Parks)
- 38. No. LF061108-06 – Approve Resolution Establishing Change Fund

RESOLUTION ESTABLISHING CHANGE FUND

WHEREAS, it has been determined that the **City View Trolley** requires a Change Fund to operate efficiently;

NOW, THEREFORE, BE IT RESOLVED, that a Change Fund be established for the **City View Trolley** in the amount of Thirty Dollars (\$30) to be used as follows:

Change Fund for Petty Cash	<u>\$30.00</u>
Total	\$30.00

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

Dated this 16th day of June, 2008.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks

(SEAL)

- 39. Acknowledge the following volunteers for workmen’s compensation purposes: Tucker Smith, Andrea Stevens

40. No. LF061108-07 – Approve \$4,800 from Council Contingency for construction of an ADA accessible ramp to the night deposit box on the west side of the CSAC Building (contractor is Timber Ridge Construction)
41. No. LF061108-08 – Authorize Mayor and Finance Officer to sign Amendment to the Joint Powers Agreement between the City of Rapid City and South Dakota Department of Health
42. No. LF061108-16 – Authorize renewal of health insurance stop loss contract.
43. No. LF052808-18A – Authorize Mayor and Finance Officer to sign a Professional Services Agreement with Wyss Associates, Inc. for Design and Construction Management Services for Vickie Powers Memorial Park for an amount not to exceed \$117,865
44. No. LF061108-09 – Approve Travel Request for Tom Lowry (recreation maintenance worker) to attend the STAR Basic Refrigeration School in Las Vegas, NV September 22-25, 2008 in an approximate amount of \$1,530
45. No. LF061108-10 – Approve Travel Request for Aquatics Division Manager Duncan Olney to attend the NSPF Instructor School and World Aquatic Health Conference in Colorado Springs, CO, October 13-17, 2008 in an approximate amount of \$1,989
46. No. LF061108-12 – Acknowledge raffle request from Juvenile Diabetes Research Foundation International
47. No. LF061108-13 – Acknowledge raffle request from Black Hills BMX
48. No. LF061108-20 - Acknowledge raffle request from The Dahl
49. No. LF061108-14 – Approve abatement for Bonnie Collins - \$620.28
50. Approve the following licenses: Mechanical Apprentice: Fred Dise, Shiloh Farmer, Levi Van Beek, Aaron Kompier, Mike Mardian, Jeremy Taylor, and Daniel Crisp; Mechanical Installer: Troy Roettele, Rick Tuffs, and Shane Croeni; Electrical Master: Richard Heintzman; Electrical Journeyman: Ryan Block, John Bailey, Chad Boyd, Patrick Gerrits, Paul Schelske, Travis De Stigter, Troy Kluthe, Jesse Ver Hey, Dean Hauk, and Bryan Mitchell; Sewer and Water Contractors License: Jason Franke, Day & Night Plumbing and Excavating; Sewer and Water Journeyman: Tobias Hanes, Quinn Construction, Inc.; Sewer and Water Journeyman: Ryan Braun, Quinn Construction, Inc.

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

51. No. 08AN008 - A request by Dream Design International, Inc. for a **Petition for Annexation** on a parcel of land located in the S½ NW¼; SW¼; S½ N½ NW¼ SE¼; S½ NW¼ NE¼ SE¼; S½ NW¼ SE¼; SW¼ NE¼ SE¼; SW¼ SE¼ less the south 33 feet; W½ SE¼ SE¼ less the south 33 feet; Section 21, T2N, R8E, BHM, Pennington County, South Dakota, located east of Dyess Avenue and west of Elk Vale Road. (APPROVE PETITION FOR ANNEXATION contingent on any payment due to the North Elk Fire Protection District being made by the City of Rapid City.)

#### A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the following territory, containing 343.5 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

A parcel of land located in the S $\frac{1}{2}$  NW $\frac{1}{4}$ ; SW $\frac{1}{4}$ ; S $\frac{1}{2}$  N $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ; S $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ; S $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ; SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ; SW $\frac{1}{4}$  SE $\frac{1}{4}$  less the south 33 feet; W $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  less the south 33 feet; Section 21, T2N, R8E, BHM, Pennington County, South Dakota.

Dated this 16th day of June, 2008.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks

(SEAL)

52. No. 08PL054 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1, 2 and 3 of Mall Drive Subdivision, and Lots 1A and 1B of Interstate 90 Heartland Business Park, formerly a portion of the unplatted balance of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  north of Interstate 90 excepting Lot H13 and Lot 3 of the S $\frac{1}{2}$  SE $\frac{1}{4}$  all located in the SE $\frac{1}{4}$  and Lot 1 of Interstate 90 Heartland Business Park, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  north of Interstate 90 excepting Lot H13 and Lot 3 of the S $\frac{1}{2}$  SE $\frac{1}{4}$  all located in the SE $\frac{1}{4}$  and Lot 1 of Block 6 of Interstate 90 Heartland Business Park, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of East Mall Drive and Dakota Craft Drive. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the Planning Commission, a master plan for the entire property shall be submitted for review and approval. In particular the master plan must identify efficient circulation of traffic, adequate access to adjoining properties, proper handling of storm water flows, and extension of public utilities; 2. Prior to Preliminary Plat approval by City Council, a revised plat document be submitted for review and approval demonstrating adequate access and water and sewer services to proposed Lot 1B; 3. Prior to Preliminary Plat approval by City Council, road construction plans for E. Mall Drive be submitted for review and approval showing a sidewalk along the north side of the street or a Variance to the Subdivision Regulations must be obtained; 4. Prior to Preliminary Plat approval by City Council, all redline comments 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; 5. Prior to Preliminary Plat approval by City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval; 6. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval; 7. Upon submittal of a Final Plat application, surety shall be posted

and subdivision inspection fees shall be paid as required; and, 8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

53. No. 08PL064 - A request by FMG, Inc. for Pat Tlustos for a **Preliminary Plat** on Lots 6 thru 8 of Block 2 of I-90 Heartland Business Park and dedicated public right-of-way shown as Rearden Court all located in the SE1/4 of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in the S½ of SE¼ of Section 21, T2N, R8E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" marking the northwest corner of Lot 1 of Block 7 of I-90 Heartland Business Park; Thence N26°45'42"E a distance of 608.43', more or less, to a point; Thence S89°57'07"E a distance of 370.00', more or less, to a point; Thence S72°38'37"E a distance of 162.98', more or less, to a point; Thence S55°39'21"E a distance of 878.48', more or less, to a point; Said point being on the section line between Section 21, T2N, R8E, BHM and Section 28, T2N, R8E, BHM; Thence N89°57'07"W a distance of 1524.86', more or less, to the point of beginning, located west of Elk Vale Road and north of Seger Drive. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by City Council, the entire parcel shall be annexed into the City of Rapid City limits; 2. Prior to Preliminary Plat approval by City Council, all redline comments made on the construction plans shall be addressed and resubmitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management Department; 3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval; 5. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees be paid as required; and 6. Prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.)
54. No. 08PL071 - A request by John D. and Diana L. Nelson for a **Layout Plat** on Lots 1R, 2R, 4R, 5R, 6R, 7R, 8R, 9R, 12R, 13R, 16R, 17R, 18R, 19R, 20R, 21R and 22R of Block 4, H&H Estates Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lots 1, 2, 4, 4a, 5, 6, 7, 8, 9, 12, 13, 16, 17, 18, 19, 20, 21 and 22 of Block 4 of H&H Estates Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located northeast of the intersection of Hacienda Street and Williams Street. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, the applicant shall submit a site plan demonstrating that no structural development exists in the easement. In particular, no fences and/or buildings may be located within the easement; 2. Upon submittal of a Preliminary Plat application, the applicant shall submit documentation demonstrating that the existing streets are currently constructed to City street design standards or construction plans 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, a cost estimate of the required subdivision improvements shall be submitted for review and approval if any subdivision improvements are required; 4. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not

been completed shall be posted and the subdivision inspection fees shall be paid; and, 4. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required if any subdivision improvements are required.)

55. No. 08PL072 - A request by Sperlich Consulting, Inc. for Donnie Kirschenman for a **Layout Plat** on Lots 1 thru 4 of Westberry Trails, formerly Tract C less Lots H1 and H2 of Westberry Trails located in the S1/2, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Tract C less Lots H1 and H2 of Westberry Trails, located in the S1/2, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, located at Nemo Road/South Canyon Road south of Wide View Drive. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow 71 dwelling units with one point of access in lieu of 40 dwelling units or a second point of access shall be provided; 2. Upon submittal of a Preliminary Plat application, construction plans for South Canyon Road shall be submitted for review and approval. In particular, the plans shall show the street located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 3. Upon submittal of a Preliminary Plat application, the applicant shall submit documentation verifying the right to use the existing streets within Westberry Trails for the proposed development; 4. Upon submittal of a Preliminary Plat application, construction plans for Timberline Road shall be submitted for review and approval. In particular, the plans shall show the street located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 5. Upon submittal of a Preliminary Plat application, road construction plans for the proposed 49 foot wide access and utility easement shall be submitted for review and approval. In particular, the plans shall show the street located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 6. Upon submittal of a Preliminary Plat application, the applicant shall submit documentation showing the previously recorded wilderness trail to determine whether the trail should be improved as a part of this plat or vacated and retained as a utility easement; 7. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. The plat document shall also be revised to provide utility easements as needed; 8. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension water mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water

plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed; 9. Upon submittal of a Preliminary Plat application, a Master Utility Plan shall be submitted for review and approval. In addition, the plat document shall be revised to show utility easements as needed; 10. Upon submittal of a Preliminary Plat application, topographic information at five foot contour intervals for all of the developed areas, including streets, existing and proposed building envelopes and on-site wastewater system areas, shall be submitted for review and approval; 11. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval; 12. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall comply with the Drainage Criteria Manual. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. In addition, the plat document shall be revised to provide drainage easements as necessary; 13. Upon submittal of a Preliminary Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided; 14. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along South Canyon Road except for approved approach location(s); 15. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a 10 foot wide planting screen easement along South Canyon Road or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s); 16. Upon submittal of a Preliminary Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval. In addition, prior to submittal of a Final Plat application, the plan shall be implemented; 17. Upon submittal of a Preliminary Plat application, a grading plan and erosion and sediment control plan shall be submitted for review and approval if subdivision improvements are required; 18. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a street name for the proposed 49 foot wide access and utility easement; 19. Upon submittal of a Preliminary Plat application, the plat title shall be revised to read "Lots 1 thru 4 of Tract C of Westberry Trails..."; 20. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 21. 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, 22. Prior to the City's acceptance of the public improvements, warranty surety shall be submitted for review and approval as required.)

#### END OF CONSENT CALENDAR

Motion was made by LaCroix and seconded to request Council President to schedule an open meeting to discuss public meetings and public input. A case was made to proceed now with lengthening the Public Comment period from three to five minutes.

Amendment to the motion was made by Kooiker and seconded to extend the public comment period from three minutes to five minutes between now and the time that a public meeting is conducted. Alderman Hurlbut believed that when a presentation is noticed on the agenda there

is some latitude to extend the comment period as opposed to items that are added to the agenda on the night of the meeting.

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

Upon a vote being taken on the motion to approve, motion carried with Weifenbach voting NO.

Motion was made by Hadcock and seconded to (No. LF061108-01), approve the appointments of Steve Rolinger, Julie Gregg, Karen Waltman, Tom Hennies, and Linda Marchand to the Planning Commission. Alderman Okrepkie indicated that he could not support the appointment of Tom Hennies because it is know the Hennies does support another Wal-Mart store even though the majority of the community wanted another store.

Substitute motion was made by Okrepkie and seconded to approve the appointments of Steve Rolinger, Julie Gregg, Karen Waltman, and Linda Marchand to the Planning Commission; and deny the appointment of Tom Hennies.

Upon the advice of City Attorney Green, the Chair divided the question and the motion on the floor is to approve the appointments of Steve Rolinger, Julie Gregg, Karen Waltman, and Linda Marchand to the Planning Commission. Alderman Kroeger indicated his concern of singling out an individual appointment because of how the individual is knowingly going to vote on an issue. Alderman Johnson pointed out that the City Council is the policy making group and should make certain that the Planning Commission represents some of the views regarding development as the Council would like the community to move forward. Alderman Olson suggested the appointment of an individual should be based upon the following qualifications: honesty, integrity, attendance, hardworking, knowledgeable, and representing a variety of the community.

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

Motion was made by Hadcock and seconded approve the appointment of Tom Hennies to the Planning Commission. Motion carried with Okrepkie voting NO.

Motion was made Hadcock and seconded to (No. LF061108-03), request Mayor and City Council leadership form a committee to address funding for infrastructure development to be utilized by the City in guiding future growth and development. The request is made by the development community to the City to look at how the City will fund infrastructure development. The discussion before the Council Development Committee was not about smart growth, but funding mechanisms.

Substitute motion was made by Hadcock and seconded to refer this item to the Council Development Committee for further discussion. Alderman Okrepkie suggested this issue should be referred to the Public Works or Legal Finance Committee.

Second substitute motion was made by LaCroix and seconded to refer this item to the Public Works Committee. Upon a roll call vote, the following voted AYE: Hadcock, Hurlbut, Okrepkie, Weifenbach, Olson, Kooiker, and LaCroix; NO: Johnson, Chapman, and Kroeger. Motion carried.

**NON-CONSENT ITEMS** – Items 56 - 73

Motion was made by Okrepkie, seconded and carried to open public comment on Items 56 - 73. No comments were offered. Motion was made by Okrepkie, seconded and carried to close public comment on Items 56 - 73.

***Ordinances***

Ordinance No. 5369 (No. LF021308-05), Authorizing the Police Department to Collect Fees for the Performance of Criminal Background Investigations on City Employment Applicants and City License Applicants by Adding Section 2.20.030 to the Rapid City Municipal Code was introduced. Motion was made by Hadcock and seconded that Ordinance No. 5369 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, July 7, 2008. In order to meet the state and federal guideline, changes are necessary in how the Police Department conducts investigations. The Division of Criminal Investigations (DCI) will charge a fee of Twenty Dollars to conduct background investigations, compare fingerprints, and submit a criminal history. The Rapid City Police Department will charge Fifteen Dollars for fingerprinting and processing the application and submitting the application to DCI. The total cost of the license will increase to Thirty-five Dollars. Motion carried.

Ordinance No. 5378 (No. LF052808-20A), Requiring Drivers of Vehicles to Move Over or Slow Down Upon Approaching Vehicles Using Amber or Yellow Warning Lights on Any Street by Adding Chapter 10.12.400 was introduced. Motion was made by Hadcock and seconded that Ordinance No. 5378 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, July 7, 2008. The question was raised about whether State statute would be enforceable on local streets rather than on those portions of state highway trunk systems that run through the city. Motion carried.

Ordinance No. 5392 (No. LF052808-22), Raising the Special Charge for Disposing of Tires at the City Landfill by Amending Section 8.08.240 of the Rapid City Municipal Code was introduced. Motion was made by Hadcock and seconded that Ordinance No. 5378 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, July 7, 2008. Motion carried.

Ordinance No. 5398 (No. LF061108-02), Prohibiting the Use of Electronic Communication Mediums During Public Meetings by Adding a New Section to Chapter 2.04 of the Rapid City Municipal Code was introduced. Motion was made by Hadcock and seconded that Ordinance No. 5398 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, July 7, 2008. Motion carried.

Ordinance No. 5399 (No. LF061108-18), Updating the Alcohol Sales Regulations by Amending Chapter 5.12 of the Rapid City Municipal Code was introduced. Motion was made by Hadcock and seconded that Ordinance No. 5399 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, July 7, 2008. Motion carried.

Ordinance No. 5400 (No. LF061108-19), to Create an On-Sale Full-Service Restaurant Alcohol License by Amending Section 5.12.040 and Subsections 5.12.030(A)(2) and 5.12.060(A)(2) of the Rapid City Municipal Code was introduced. Motion was made by Hadcock and seconded

that Ordinance No. 5400 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, July 7, 2008. According to Senate Bill 126, all those individuals who have received an alcohol license through transfer, in the last five years, are required to report the purchase price to the City. When the City has the information, the City will be required to use the last arms-length transaction as the Fair Market Value. The ordinance will require that those reports be made by August 15<sup>th</sup> because the Council is required to set that value within ninety days of the enactment of the ordinance. When the Council sets the price, that price is effective for five or ten years Motion carried.

Ordinance No. 5401 (No. 08RZ019), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Donnie Kirschenman for Dreamdak Holdings LLC for a **Rezoning from Park Forest District to Medium Density Residential District** on Lots 30 thru 32 of Block 119 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 815 First Street was introduced, Motion was made by Hadcock and seconded that Ordinance No. 5401 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, July 7, 2008. Motion carried.

Ordinance No. 5402 (No. 08RZ020), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Melanie Lien Palm for a **Rezoning from General Agriculture District to General Commercial District** on the balance of Lot 1 of Silver Strike Subdivision in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2203 Distribution Lane was introduced. Motion was made by Hadcock and seconded that Ordinance No. 5402 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, July 7, 2008. Motion carried.

Ordinance No. 5403 (No. 08RZ021), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from No Use District to Medium Density Residential District** on a portion of NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 29, T1N, R7E, BHM, Pennington County, South Dakota. More fully described as follows: Commencing at the Section  $\frac{1}{4}$  Corner common to Sections 28 and 29, T1N, R7E, BHM, thence S81°22'09"W, a distance of 252.93 feet, to a point on the southerly edge of Portrush Road right-of-way, and the point of beginning; Thence, first course: S00°00'35"W, a distance of 110.00 feet; Thence, second course: N89°59'25"W, a distance of 380.64 feet; Thence, third course: N00°00'35"E, a distance of 110.00 feet, to a point on the southerly edge of Portrush Road right-of-way; Thence, fourth course: S89°59'25"E, along the southerly edge of Portrush Road right-of-way, a distance of 380.64 feet, to the point of beginning, located south of Portrush Road and west of Dunsmore Road was introduced. Motion was made by Hadcock and seconded that Ordinance No. 5403 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, July 7, 2008. Motion carried.

Ordinance No. 5388 (No. LF043008-23), to Adopt a Policy for the City to Participate in the Cost of Bringing Private Nonconforming Water and Sewer Service Lines up to Current Standards by Adding a New Chapter to Title 13 of the Rapid City Municipal Code having passed first reading on June 2, 2008, motion was made by Hadcock and seconded that the title be read the second time. The following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Okrepkie, Chapman,

Weifenbach, Olson, Kroeger, and Kooiker; NO: None, whereupon the Mayor declared the motion passed and Ordinance No. 5388 was declared duly passed upon its second reading.

Ordinance No. 5390 (No. LF052808-21), Creating the Position of City Engineer within the Engineering Division by Amending Section 2.44.070 of the Rapid City Municipal Code having passed first reading on June 2, 2008, motion was made by Hadcock and seconded that the title be read the second time. The following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Okrepkie, Chapman, Weifenbach, Olson, Kroeger, and Kooiker; NO: None, whereupon the Mayor declared the motion passed and Ordinance No. 5390 was declared duly passed upon its second reading.

### ***Legal & Finance Committee Items***

Motion was made by Hadcock and seconded to (No. LF061108-15), approve a Travel Request to attend National League of Cities Winter Conference in Orlando, FL, November 10-15, 2008. Alderman Olson indicated that the discussion at Committee was alerting members to fact that there is a National League of Cities Winter Conference and if there is interest in attending there should be discussion with Council leadership.

Substitute motion was made by Olson and seconded to acknowledge the discussion on the National League of Cities Winter Conference in Orlando, FL, November 10-15, 2008. Alderman Chapman indicated that the intent was to alert members of the Council of the conference and the registration deadline. A request was made to the members to indicate their interest in attending the conference by contacting staff in the Mayor's Office. The cost per person to attend the conference is \$2,400.

Second substitute motion was made by Chapman and seconded to approve a Travel Request for Malcom Chapman and Bill Okrepkie to attend National League of Cities Winter Conference in Orlando, FL, November 10-15, 2008 in the approximate amount of \$5,000. Motion carried with Weifenbach voting NO.

Motion was made by Hadcock and seconded to (No. LF061108-05), authorize Mayor and Finance Officer to sign Covenant Agreement between the City of Rapid City and Rapid Center, LLC Regarding the Construction of Future Offsite Improvements to Serve its Retail Development. This agreement addresses the improvements to Mall Drive making it to a five lane facility. This agreement is with those involved with the development of the Four Father Flats development. The agreement identifies that fifty-eight percent of the costs of the improvements will be the obligation of the developer. There are additional improvements that are necessary, and triggered at the intersection for signalization and some turn lanes that are one hundred percent the cost of the applicant. The developers are required to post surety, within ninety days of the approval of the agreement, for their share of the improvements. Also written in the provisions is a stipulation that indicates that the City does not have to have future building permits if the triggers are met; or Certificates of Occupancy if the triggers are met. A change is noted regarding the legal description; making it a more precise description of the property. An additional parcel of land is also added to the agreement.

Responding to a request from Alderman Hadcock, Growth Management Director Elkins outlined several parcels of property, indicating that Cabela's has one lot that is platted; two pad sights

that are platted, but not owned by Cabela's; and other lots owned by Cabela's as sites for Sam's Club and Home Depot.

A traffic impact analysis for the property of Four Father Flats anticipated all future development on that property, including additional big box stores. Based on the traffic analysis, fifty-eight percent of the improvements will be triggered by the development anticipated on the Four Father Flats project. At build-out, the traffic impact analysis indicated that fifty-eight percent of the traffic on Dyess Avenue to East North Street can be attributable to the project. It is indicated that the fifty-eight percent of those improvements on Dyess Avenue to East North Street are off-site, but can be directly attributable to the Four Father Flats project. The agreement indicates that when the Four Father Flats project reaches the 370,000 SF, that triggers the improvements, off-site, between Dyess and East North Street. It is explained that the courts have determined that the City can require of a developer an equivalent of a project's impact. There must be a rational nexus between the impact of the development and what the City is requiring and that is to avoid any takings claim.

It is indicated that there is forty-two percent of the costs that are not covered. Staff is having conversations with other property owners and as part of their plat they will be required to provide the City with a traffic impact analysis. Staff would anticipate that the Council would require of them, the same as they have of Four Father Flats. There is also discussion about a potential TIF in that area because of a fire station.

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

### ***Bids***

The following companies submitted bids for (No. CC061608-02.1), Byrnwood Area Streets Project No. ST08-1706 / CIP No. 50721 opened June 10, 2008: J & J Asphalt Company, Simon Contractors of SD, Inc., and Hills Materials Company. Staff reviewed the bids and recommends the bid award to Simon Contractors of SD, Inc. Motion was made by LaCroix, seconded and carried to approve the bid award for Byrnwood Area Streets Project No. ST08-1706 to the lowest responsible bidder meeting specifications, Simon Contractors of SD, Inc. for the low unit prices bid for a total contract amount of \$193,271.

The following companies submitted bids for (No. CC061608-02.2), Meadowbrook Drive Reconstruction Project No. ST08-1708 / CIP No. 50338 opened June 10, 2008: Quinn Construction, Inc., Mainline Contracting, Inc., Simon Contractors of SD, Inc., Highmark, Inc., Hills Materials Company, and R.C.S. Construction, Inc. Staff reviewed the bids and recommends the bid award to Highmark, Inc. Motion was made by LaCroix, seconded and carried to approve the bid award for Meadowbrook Drive Reconstruction Project No. ST08-1708 to the lowest responsible bidder meeting specifications, Highmark, Inc. for the low unit prices bid for a total contract amount of \$292,631.50.

The following companies submitted bids for (No. CC061608-02.3), Asphalt Paving Repair at Material Recovery Facility / Co-Compost Plant Project No. SWO08-1733 / CIP No. 50731 opened June 10, 2008: Simon Contractors of SD, Inc. and Hills Materials Company. Staff reviewed the bids and recommends the bid award to Hills Materials Company. Motion was made by LaCroix, seconded and carried to approve the bid award for Asphalt Paving Repair at Material Recovery Facility / Co-Compost Plant Project No. SWO08-1733 to the lowest

responsible bidder meeting specifications, Hills Materials Company for the low unit prices bid for a total contract amount of \$82,619.66.

### ***Council Items & Liaison Reports***

Alderman Hurlbut requested to consider amending the Council Travel Policy. He indicated that his concern is about Council developing a public image problem; and the need to show the community that the Council is moving toward addressing an appropriate travel policy that still allows educational opportunities for Council members. Hurlbut defined the two annual national conferences and the leadership training institute conferences; and suggested there is a much greater value in attending specific issue based seminars that deal with actual issues facing a community and not just generalized leadership theme-based training. He commented that he did not object to any Council member attending a conference that is being held in Rapid City, but believed those members attending a conference in Oregon is a duplicate of the local conference.

Motion was made by Hurlbut, seconded and carried to acknowledge the discussion.

Alderman Hurlbut addressed the Travel Request for Deb Hadcock and Lloyd LaCroix to attend National League of Cities Program, Welches, OR, September 10-13, 2008, in the approximate amount of \$5,000; suggesting that to the extent that taxpayers' dollars can be saved these Council members not attend this conference. City Attorney Green advised the members of the Council rules requiring that if a member of the body wishes to have an item reconsidered they have to give notice of their intent to ask for reconsideration. The rule says that it has to be before the body moves on to the next item. The rule also makes it clear that you have to actually do it before the end of the meeting where the original action is taken. The reconsideration must happen not later than the following Council meeting. There is dichotomy here because the action that the Council took was a resolution to approve the travel request; and the Council has the ability to amend resolutions by another resolution. The practical problem is that the approval of the travel request was the approval to obligate the City to spend money.

Motion was made and seconded to acknowledge the discussion. Motion carried.

### **Motion for Delivery of Items from Committee**

Motion was made by Kooiker and seconded to request delivery of a Resolution to Amend the City of Rapid City Travel Policy from the Legal Finance Committee. Kooiker indicated that the Committee can approve, deny, or take to Council without a recommendation. Upon a roll call vote, the following voted AYE: Hurlbut, Chapman, Kooiker, and Johnson; NO: Hadcock, Okrepkie, Weifenbach, Olson, Kroeger, and LaCroix. Motion failed.

Alderman Okrepkie extended his appreciation to Doyle Estes, who recently donated eighty (80) acres of property valued at \$600,000 to \$800,000 for a 26-Field Soccer Complex, which is a Vision 2012 Project.

Alderman Olson spoke of the South Dakota National Guard, indicating that it was helpful to receive the briefing and tour of their training program called the "Golden Coyote"; a training program that is receiving recognition throughout the United States. She indicated that it is

clearly a program that is contributing to a more prepared troop force and making soldiers more prepared for the wartime situation.

Alderman Chapman spoke of the National League of Cities Leadership program entitled "Thinking and Acting Strategically in Local Government". Chapman reported that there are over one hundred locally elected officials and others coming to Rapid City. The conference will begin June 29th with registration and a bus ride to Mount Rushmore where conference attendees will be offered refreshments and then take in the lighting show. June 30th, Monday morning, the conference will begin with a Presidential Debate among Washington, Jefferson, Lincoln and Roosevelt; and attendees will participate in the debate that will be moderated. Monday afternoon, conference attendees will participate in strategic planning for local government leaders. Monday evening, Prairie Edge will host a social and the trolleys will transport conference attendees from the Holiday Inn through downtown Rapid City. July 1st, Tuesday the conference will conclude with strategic management for local government officials and there will be a bus tour of the City's Vision 2012 Projects.

### ***Staff Items***

Finance Officer Preston advised the Council of the Mayor and Finance Officer's intent to sell bonds for the Civic Center and parking ramp as bank qualified. He indicated that the City will not need to borrow additional funds in 2008. He also explained that bank qualified bonds results in a much better interest rate and will be a significant savings on both the Civic Center bonds and the bonds for the parking ramp. Motion was made by Okrepkie, seconded and carried to acknowledge the report.

Preston reported that the Festival of Presidents is requesting the use of one set of bleachers for a parade to be held on June 28, 2008; and requesting the \$150 fee be waived. He explained that the Festival of Presidents, for the past two years, has used one or two units of the bleachers for the Parade of Presidents. Motion was made and seconded to waive the \$150 fee for the lease of one set of bleachers for the Festival of Presidents. Weifenbach and Johnson reminded the members that the Festival of Presidents was approved for a \$10,000 subsidy; and suggested they should operate within those subsidies. Chapman asked the Council to think about how they pick and chose between organizations and the criteria to use to make those choices. Upon a roll call vote, the following voted AYE: Hurlbut, Okrepkie, and Kooiker; NO: Chapman, Weifenbach, Olson, Kroeger, LaCroix, Johnson, and Hadcock. Motion failed.

Motion was made by Hadcock and seconded to authorize the lease of one set of bleachers for \$150 to Black Hills Harley Davidson for a Rushmore RollerZ Exhibition game on June 21, 2008. City Attorney Green advised that the policy says governmental entities or nonprofits and this is clearly a for-profit venture and would not be authorized by the terms of the lease. Upon a vote being taken on the motion to approve, motion carried.

Motion was made by Kooiker and seconded to request the City Attorney's Office to update the Trailer Mounted Hydraulic Mobile Bleacher System policy; and establish a policy to allow rental to for-profit entities but priority be given to nonprofit and other governmental entities; and to review the actual price structure of the policy. Motion carried.

### **PUBLIC HEARING ITEMS** – Items 74 – 142

Motion was made by Olson, seconded and carried to open the public hearing on items 74 – 142. No comments were offered.

**CONTINUED PUBLIC HEARING CONSENT ITEMS** – Items 74 - 110

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

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

74. No. 06PL090 - A request by Dream Design International for a **Preliminary Plat** on Lots 1 thru 5 of Block 1, Lots 1 thru 10 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 and 26 of Block 6, Lot 1 of Block 7, Lots 1 and 36 thru 41 of Block 8, Lots 1 thru 11 of Block 9, Lots 1 thru 13 of Block 10, Lots 1 thru 30 of Block 11 and Lot A and Lots 1 thru 23 of Block 12 and Dedicated Right-of-Way, Elks Meadows Subdivision, located in the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, located east of the intersection of Elk Vale Road and Old Folsom Road.
75. No. 07PL067 - A request by Whittingham & Lestrangle, 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.
76. 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.
77. 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.

78. 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.
79. No. 07SV026 - A request by Whittingham & Lestrangle, 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.
80. 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.
81. No. 08CA009 - A request by Dream Design International, Inc. 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 a portion of the E½ of the SW¼ of the NW¼, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 3 of Block 4 of Big

Sky Business Park, common to the southeasterly corner of Lot 2 of Block 4 of Big Sky Business Park, and the point of beginning, Thence, first course: S89°47'32"E, along the southerly boundary of said Lot 3 of Block 4, a distance of 199.60 feet, to the southeasterly corner of said Lot 3 of Block 4; Thence, second course: S89°44'39"E, a distance of 30.00 feet; Thence, third course: S00°06'50"W, a distance of 1025.13 feet, to a point on the northerly boundary of Tract A of F & N Subdivision; Thence, fourth course: N89°48'13"W, along the northerly boundary of said Tract A, a distance of 229.83 feet; Thence, fifth course: N00°07'35"E, a distance of 1025.15 feet, to the southwesterly corner of said Lot 3 of Block 4, common to the southeasterly corner of said Lot 2 of Block 3, and the point of beginning, located east of Elk Vale Road and west of Degeest Drive and south of Berniece Street.

82. No. 08CA010 - A request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Public** on a portion of Tract A of F & N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S89°48'53"E, along the northerly boundary of said Tract A, a distance of 168.32 feet; Thence, second course: S20°15'16"E, a distance of 114.68 feet; Thence, third course: S00°07'35"W, a distance of 571.08 feet; Thence, fourth course: N85°25'19"W, a distance of 207.67 feet, to a point on the westerly boundary of said Tract A; Thence, fourth course: N00°01'18"E, along the westerly boundary of said Tract A, a distance of 662.63 feet, to the northwesterly corner of said Tract A, and the point of beginning, located southwest of the intersection of Big Sky Drive and Degeest Street.
83. No. 08CA011 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation from Office Commercial with a Planned Commercial Development to Public** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 2 of Block 2 of Neff's Subdivision, and the point of beginning; Thence, first course: N85°25'19"W, a distance of 207.00 feet; Thence, second course: N00°07'35"E, a distance of 571.08 feet; Thence, third course: S20°15'16"E, a distance of 592.63 feet; Thence, fourth course: S00°09'08"W, a distance of 31.62 feet, to the northwesterly corner of said Lot 2 of Block 2 of Neff's Subdivision, and the point of beginning, located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.
84. No. 08CA012 - A request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Public** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Block 1 of Neff's Subdivision, and to the point of beginning, Thence, first course: N13°51'21"W, a distance of 205.16 feet, to a point on the westerly boundary of Tract A of F & N Subdivision; Thence, second course: S85°25'19"E, a distance of 207.67 feet; Thence, third course: S27°32'45"W, a distance of 198.25 feet, to a point on the northerly boundary of said Lot 1; Thence, fourth course: S84°06'34"W, along the northerly boundary of said Lot 1, a distance of 66.55

feet, to the northwesterly corner of Lot 1 of Block 1 of Neff's Subdivision, and to the point of beginning, located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.

85. No. 08CA013 - A request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Office Commercial with a Planned Commercial Development** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly of Tract B of Neff's Subdivision No. 4, common to a corner on the westerly boundary of Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S89°44'04"E, along the westerly boundary of said Tract A, a distance of 112.99 feet, to a corner on the westerly boundary of said Tract A; Thence, second course: S13°51'21"E, a distance of 205.16 feet, to the northwesterly corner of Block 1 of Neff's Subdivision V, common to a point on the southerly boundary of said Tract A; Thence, third course: S00°07'01"W, along the southerly boundary of said Tract A, common to the westerly boundary of said Block 1, a distance of 148.23 feet, to a point on the southerly boundary of said Tract A; Thence, fourth course: N89°39'33"W, along the southerly boundary of said Tract A, a distance of 164.80 feet, to the southwesterly corner of said Tract A, common to the easterly boundary of said Tract B; Thence, fifth course: N00°29'28"E, along the westerly boundary of said Tract A, common to the easterly boundary of said Tract B, a distance of 346.97 feet, to the northeasterly of Tract B of Neff's Subdivision No. 4, common to a corner on the westerly boundary of Tract A of F & N Subdivision, and the point of beginning, located east of the northern terminus of Jolly Lane and west of Sweetbriar Street.
86. No. 08CA014 - A request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to Low Density Residential** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 6 of Block 1 of Neff's Subdivision No. 2, and the point of beginning, Thence, first course: S89°55'24"W, a distance of 30.00 feet; Thence, second course: N00°04'43"E, a distance of 8.38 feet; Thence, third course: curving to the left, on a curve with a radius of 288.00 feet, a delta angle of 20°19'59", a length of 102.21 feet, a chord bearing of N10°05'17"W, and chord distance of 101.67 feet; Thence, fourth course: N20°15'16"W, a distance of 5.25 feet; Thence, fifth course: N69°44'43"E, a distance of 50.69 feet; Thence sixth course: curving to the right, on a curve with a radius of 400.00 feet, a delta angle of 20°23'26", a length of 142.35feet, a chord bearing of N79°56'27"E, and chord distance of 141.60 feet; Thence, seventh course: S89°51'50"E, a distance of 98.10 feet, to a point on the section 1/16th line; Thence, eighth course: S00°06'38"W, along the section 1/16th line, a distance of 155.91 feet, to a point on the northerly boundary of Block 1 of Neff's Subdivision No. 2; Thence, ninth course: N89°52'44"W, along the northerly boundary of said Block 1 of Neff's Subdivision No. 2, a distance of 235.17 feet, to the northwesterly corner of said Lot 6 of Block 1 of Neff's Subdivision No. 2, and the point of beginning, located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.

87. No. 08PL025 - A request by Sperlich Consulting, Inc. for Triple Z Real Estate Development for a **Preliminary Plat** on Lots 12A and 12B of Block 10 of Elks Country Estates, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 12R of Block 10 of Elks Country Estates, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3522 Sawgrass Court.
88. No. 08PL030 - A request by Dream Design International Inc. for a **Preliminary Plat** on Lots 1-8 of Block 1 and 2; Lots 1-33 of Block 3; Tracts A, B, C and D of Block 4; and the Drainage Lot 1, Homestead Plaza Subdivision, located in the S1/2 NW1/4 and in the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Timmons Boulevard, south of Neel Street and west of Big Sky Drive.
89. No. 08PL036 - A request by Joe Muth for Doeck, L.L.C. for a **Layout Plat** on Lot 1 of Block 10 of Auburn Hills Subdivision, located in the NE1/4 NE1/4, less the east 33 feet, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance, located in the NE1/4 NE1/4, less the east 33 feet, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Bunker Drive.
90. No. 08PL038 - A request by Sperlich Consulting, Inc. for TK Engesser Investments, LLC for a **Preliminary Plat** on Lots 1 thru 4 of Engessor Subdivision, located in the NE1/4 of the SE1/4, less Lot H1 of the NE1/4 of the SE1/4, less Lot A of the NE1/4 of the SE1/4, less Lot PE1 of the NE1/4 of the SE1/4, and less a portion of a South Dakota owned Railroad Right-of-way, located in the NE1/4 of the SE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the NE1/4 of the SE1/4, less Lot H1 of the NE1/4 of the SE1/4, less Lot A of the NE1/4 of the SE1/4, less Lot PE1 of the NE1/4 of the SE1/4, and less a portion of a South Dakota owned Railroad Right-of-way, located in the NE1/4 of the SE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota, located southwest of the intersection of South Dakota Highway 44 and Radar Hill Road.
91. No. 08PL051 - A request by Fisk Land Surveying & Consulting Engineers for Donald and Christine Potts for a **Preliminary Plat** on Lots 2A, 2B and 2C of Lot 2 of Potts Subdivision, formerly Lot 2 of Potts Subdivision, located in the SW1/4 SW1/4 SE1/4 and SE1/4 SW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Potts Subdivision, located in the SW1/4 SW1/4 SE1/4 and SE1/4 SW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Covenant Drive.
92. No. 08PL053 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 2A, 2B and 2C of Block 3 of Rushmore Crossing, formerly Lots 2 and 3 of Rushmore Crossing, located in the S1/2 of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 2 and 3 of Block 3 of Rushmore Crossing, located in the S1/2 of the SW1/4, Section 29, T2N, R8E, BHM,

Rapid City, Pennington County, South Dakota, located adjacent to the north side of Eglin Street.

93. No. 08PL055 - A request by Advanced Engineering for David M. Grundstrom for a **Preliminary Plat** on Lots 1 of Lot B3 and Lot 2 of B3 of Parcel B of MJK Subdivision, formerly Lot B3 of Parcel B of the MJK Subdivision located in the NW1/4 of the SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B3 of Parcel B of the MJK Subdivision located in the NW1/4 of the SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 4045 Derby Lane.
94. No. 08PL061 - A request by Kadrmas, Lee and Jackson for Speedway Enterprises, LLC for a **Layout Plat** on Lots 1 and 2 of Race Track Subdivision, formerly the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of the intersection of East S.D. Highway 44 and Jolly Lane.
95. No. 08PL065 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 20 of Block 1, located in portions of the E1/2 NW1/4 and the NE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as located in the E1/2 NW1/4 and the NE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Copperfield Drive.
96. No. 08PL066 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 3 of Block 1 of the Gateway Subdivision, located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as an unplatted portion of the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Interstate 90 and south of East Mall Drive.
97. No. 08PL070 - A request by Michael and Susan Bergstresser and Elmer E. and Barbara Storm for a **Preliminary and Layout Plat** on Lots 2R and 3R, formerly Lots 2 thru 6 less Lot H1, located in the SE1/4 of the NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lots 2 thru 6 less Lot H1, located in the SE1/4 of the NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, located at 6417 South Canyon Road.
98. No. 08PL074 - A request by Renner & Associates for Rob Livingston for a **Preliminary Plat** on Lots 7R and 8 of Strato Rim Estates, located in Government Lot 3 and 4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota, located at the northern terminus of Strato Rim Drive.
99. No. 08RZ007 - Second Reading, Ordinance No. 5381, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from Office Commercial District to General Commercial District** on a portion of the E½ of the SW¼ of the NW¼, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot

3 of Block 4 of Big Sky Business Park, common to the southeasterly corner of Lot 2 of Block 4 of Big Sky Business Park, and the point of beginning, Thence, first course: S89°47'32"E, along the southerly boundary of said Lot 3 of Block 4, a distance of 199.60 feet, to the southeasterly corner of said Lot 3 of Block 4; Thence, second course: S89°44'39"E, a distance of 30.00 feet; Thence, third course: S00°06'50"W, a distance of 1025.13 feet, to a point on the northerly boundary of Tract A of F & N Subdivision; Thence, fourth course: N89°48'13"W, along the northerly boundary of said Tract A, a distance of 229.83 feet; Thence, fifth course: N00°07'35"E, a distance of 1025.15 feet, to the southwesterly corner of said Lot 3 of Block 4, common to the southeasterly corner of said Lot 2 of Block 3, and the point of beginning, located east of Elk Vale Road and west of Degeest Drive and south of Berniece Street.

100. No. 08RZ008 - Second Reading, Ordinance No. 5382, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Public District** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S89°48'53"E, along the northerly boundary of said Tract A, a distance of 168.32 feet; Thence, second course: S20°15'16"E, a distance of 707.30 feet; Thence, third course: S00°09'08"W, a distance of 31.62 feet, to the northwesterly corner of Block 2 of Neff's Subdivision No. 2; Thence, fourth course: N85°25'19"W, a distance of 414.67 feet, to a point on the westerly boundary of said Tract A; Thence, fifth course: N00°01'18"E, along the westerly boundary of said Tract A, a distance of 662.63 feet, to the northwesterly corner of said Tract A, and the point of beginning, located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.
101. No. 08RZ009 - Second Reading, Ordinance No. 5383, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from Low Density Residential District to Public District** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner Block 2 of Neff's Subdivision No.2, and the point of beginning, Thence, first course: S00°14'20"W, along the westerly boundary of said Block 2, a distance of 128.02 feet, to the northeasterly corner of Block 1 of Neff Subdivision V; Thence, second course: S84°01'28"W, along the northerly boundary of said Block 1, a distance of 365.67 feet, to the northwesterly corner of said Block 1; Thence, third course: N13°51'21"W, a distance of 205.16 feet, to a corner on the westerly boundary of Tract A of F & N Subdivision; Thence, fourth course: S85°25'19"E, a distance of 414.67 feet, to the northwesterly corner Block 2 of Neff's Subdivision No.2, and the point of beginning, located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.
102. No. 08RZ010 - Second Reading, Ordinance No. 5384, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from Low Density Residential District to Office Commercial District** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South

Dakota, More fully described as follows: Commencing at the northeasterly of Tract B of Neff's Subdivision No. 4, common to a corner on the westerly boundary of Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S89°44'04"E, along the westerly boundary of said Tract A, a distance of 112.99 feet, to a corner on the westerly boundary of said Tract A; Thence, second course: S13°51'21"E, a distance of 205.16 feet, to the northwesterly corner of Block 1 of Neff's Subdivision V, common to a point on the southerly boundary of said Tract A; Thence, third course: S00°07'01"W, along the southerly boundary of said Tract A, common to the westerly boundary of said Block 1, a distance of 148.23 feet, to a point on the southerly boundary of said Tract A; Thence, fourth course: N89°39'33"W, along the southerly boundary of said Tract A, a distance of 164.80 feet, to the southwesterly corner of said Tract A, common to the easterly boundary of said Tract B; Thence, fifth course: N00°29'28"E, along the westerly boundary of said Tract A, common to the easterly boundary of said Tract B, a distance of 346.97 feet, to the northeasterly of Tract B of Neff's Subdivision No. 4, common to a corner on the westerly boundary of Tract A of F & N Subdivision, and the point of beginning, located east of the northern terminus of Jolly Lane and west of Sweetbriar Street.

103. No. 08RZ011 - Second Reading, Ordinance No. 5385, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Office Commercial District** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Tract A of F & N Subdivision, thence S89°48'53"E, along the northerly boundary of said Tract A, a distance of 168.32 feet, to the point of beginning; Thence, first course: S89°47'42"E, along the northerly boundary of said Tract A, a distance of 701.98 feet, to section 1/16th corner; Thence, second course: S00°06'38"W, along the section 1/16th line, a distance of 537.65 feet; Thence, third course: N89°51'50"W, a distance of 98.10 feet; Thence, fourth course: curving to the left, on a curve with a radius of 400.00 feet, a delta angle of 20°23'26", a length of 142.35 feet, a chord bearing of S79°56'27"W, and chord distance of 141.60 feet; Thence, fifth course: S69°44'43"W, a distance of 50.69 feet; Thence, sixth course: S20°15'16"E, a distance of 5.25 feet; Thence, seventh course: curving to the right, on a curve with a radius of 288.00 feet, a delta angle of 20°19'59", a length of 102.21 feet, a chord bearing of S10°05'17"E, and chord distance of 101.67 feet; Thence, eighth course: S00°04'43"W, a distance of 8.38 feet, to a point on the southern boundary of said Tract A; Thence, ninth course: S89°55'23"W, along the southerly boundary of said Tract A, a distance of 29.49 feet, to the northeasterly corner of Block 2 of Neff's Subdivision No. 2; Thence, tenth course: N89°50'11"W, along the southerly boundary of said Tract A, common to the northerly boundary of said Block 2, a distance of 161.21 feet, to the a southerly corner of said Tract A, common to the northwesterly corner of said Block 2; Thence, eleventh course: N00°09'08"E, a distance of 31.62 feet; Thence, twelfth course: N20°15'16"W, a distance of 707.30 feet, to a point on the northerly boundary of said Tract A, and the point of beginning, located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.
104. No. 08RZ012 - Second Reading, Ordinance No. 5386, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** on a portion of Tract A of F&N

Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly corner of Tract A of F & N Subdivision, and the point of beginning, Thence, first course:  $S00^{\circ}07'40''W$ , a distance of 25.77 feet, to the northwesterly corner of Block 12 of Big Sky Subdivision; Thence, second course:  $S00^{\circ}07'40''W$ , along the westerly boundary of said Block 12, a distance of 144.58 feet; Thence, third course:  $S71^{\circ}37'02''W$ , along the westerly boundary of said Block 12, common to the easterly boundary of said Tract A, a distance of 14.49 feet; Thence, fourth course:  $S40^{\circ}22'12''E$ , along the westerly boundary of said Block 12, a distance of 920.50 feet; Thence, fifth course:  $S18^{\circ}55'40''E$ , along the westerly boundary of said Block 12, a distance of 55.05 feet; Thence, sixth course:  $S22^{\circ}39'24''E$ , along the westerly boundary of said Block 12, a distance of 54.51 feet; Thence, seventh course:  $S05^{\circ}44'23''E$ , along the westerly boundary of said Block 12, a distance of 47.63 feet; Thence, eighth course:  $N89^{\circ}57'36''E$ , along the westerly boundary of said Block 12, a distance of 92.82 feet, to the northwesterly corner of Lot 1 of Block 10 of Big Sky Subdivision; Thence, ninth course:  $S00^{\circ}00'05''W$ , along the westerly boundary of said Lot 1 of Block 10, a distance of 115.16 feet, to the southwesterly corner of said Lot 1 of Block 10; Thence, tenth course:  $S00^{\circ}00'05''W$ , a distance of 52.00 feet, to the northwesterly corner Lot 1 of Block 9 of Big Sky Subdivision; Thence, eleventh course:  $S00^{\circ}00'05''W$ , along the westerly boundary of said Lot 1 of Block 9, a distance of 134.71 feet, to a point on the southwesterly corner of said Lot 1 of Block 9; Thence, twelfth course:  $N89^{\circ}47'43''W$ , along the northerly boundary of Lot 31 of Degeest Subdivision, a distance of 252.04 feet, to the northwesterly corner of said Lot 31 of Degeest Subdivision; Thence, thirteenth course:  $N89^{\circ}47'43''W$ , a distance of 63.00 feet, to the northeasterly boundary of Block 1 of Mack Subdivision; Thence, fourteenth course:  $N89^{\circ}47'43''W$ , along the northerly boundary of said Block 1 of Mack Subdivision, a distance of 399.97 feet, to the northwesterly corner of said Block 1 of Mack Subdivision; Thence, fifteenth course:  $N00^{\circ}12'35''E$ , a distance of 631.94 feet, to the northeasterly corner Block 1 of Neff's Subdivision No. 2; Thence, sixteenth course:  $N89^{\circ}52'44''W$ , along the northerly boundary of said Block 1 said Neff's Subdivision No. 4, a distance of 468.56 feet, to the northwesterly corner of said Block 1 of Neff's Subdivision No. 2; Thence, seventeenth course:  $S89^{\circ}55'24''W$ , a distance of 30.00 feet; Thence, eighteenth course:  $N00^{\circ}04'43''E$ , a distance of 8.38 feet; Thence, nineteenth course: curving to the left, on a curve with a radius of 288.00 feet, a delta angle of  $20^{\circ}19'59''$ , a length of 102.21 feet, a chord bearing of  $N10^{\circ}05'17''W$ , and chord distance of 101.67 feet; Thence, twentieth course:  $N20^{\circ}15'16''W$ , a distance of 5.25 feet; Thence, twenty-first course:  $N69^{\circ}44'43''E$ , a distance of 50.69 feet; Thence twenty-second course: curving to the right, on a curve with a radius of 400.00 feet, a delta angle of  $20^{\circ}23'26''$ , a length of 142.35 feet, a chord bearing of  $N79^{\circ}56'27''E$ , and chord distance of 141.60 feet; Thence, twenty-third course:  $S89^{\circ}51'50''E$ , a distance of 98.10 feet, to a point on the section 1/16th line; Thence, twenty-fourth course:  $N00^{\circ}06'38''E$ , along the section 1/16th line, a distance of 537.65 feet, to the section 1/16th corner, common to a point on the northerly boundary of said Tract A; Thence, twenty-fifth course:  $S89^{\circ}48'43''E$ , along the northerly boundary of said Tract A, a distance of 226.22 feet, to the northeasterly corner of Tract A of F & N Subdivision, and the point of beginning, located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.

105. No. 08SV014 - A request by Dream Design International Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Sweetbriar Street as per Chapter 16.16 of the Rapid**

**City Municipal Code** on Lots 1-8 of Block 1 and 2; Lots 1-33 of Block 3; Tracts A, B, C and D of Block 4; and the Drainage Lot 1, Homestead Plaza Subdivision, located in the S1/2 NW1/4 and in the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Timmons Boulevard, south of Neel Street and west of Big Sky Drive.

106. No. 08SV024 - A request by Fisk Land Surveying & Consulting Engineers for Donald and Christine Potts for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit along Catron Boulevard and Covenant Drive and to waive the requirement to install pavement, curb, gutter, water, sewer, sidewalk and street light conduit and dedicate Right-of-way along the section line Right-of-way and to waive sidewalk along a portion of Covenant Drive as per Chapter 16 of the Rapid City Municipal Code** on Lots 2A, 2B and 2C of Lot 2 of Potts Subdivision, formerly Lot 2 of Potts Subdivision, located in the SW1/4 SW/14 SE1/4 and SE1/4 SW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Potts Subdivision, located in the SW1/4 SW/14 SE1/4 and SE1/4 SW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Covenant Drive.
107. No. 08SV028 - A request by Kadrmas, Lee and Jackson for Speedway Enterprises, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Race Track Subdivision, formerly the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of the intersection of East S.D. Highway 44 and Jolly Lane.
108. No. 08SV030 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement from 59 feet to 26 feet; to waive the requirement to install sidewalk along the north side of East Mall Drive; to waive the requirement to install asphalt, curb, gutter, sidewalk, street light conduit, water, sewer and additional right-of-way along Beale Street; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 3 of Block 1 of the Gateway Subdivision, located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as an unplatted portion of the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Interstate 90 and south of East Mall Drive.
109. No. 08SV032 - A request by Renner & Associates for Rob Livingston 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 7R and 8 of Strato Rim Estates, located in Government Lot 3 and 4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota, located at the northern terminus of Strato Rim Drive.

***Continue the following items until July 21, 2008:***

110. No. 08SV007 - A request by Craig and Tamara Mestad for a **Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Sammis Trail and Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A, B C and D of Tract 20 of Highview Subdivision, located in the SE1/4 NE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 20 of Highview Subdivision, NE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1445 Sammis Trail.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Hadcock, seconded and carried to close the public hearing on items 74 – 142.

**CONSENT PUBLIC HEARING ITEMS** – Item 111 - 131

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

123. Safeway Stores 46, Inc. dba Safeway No. 581, 2120 Mt. Rushmore Road for Package (Off Sale) Malt Beverage License

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

***Alcohol Licenses***

**2008 – 2009 Retail (On-Off Sale) Malt Beverage License with Video Lottery**

111. Dave & Linda Handley dba Hot Spot Casino, 420 E. St. Patrick, Ste. 107 for Retail (On-Off Sale) Malt Beverage License with Video Lottery
112. B S Corp., Inc. dba Casa Re-al, 2315 1 / 2 Mt. Rushmore Road for Retail (On-Off Sale) Malt Beverage License with Video Lottery
113. Poker Joe's, Inc. dba Poker Joe's, 211 Cambell Street for Retail (On-Off Sale) Malt Beverage License with Video Lottery
114. Western Dakota Gaming, Inc. dba Valley Sports Casino, 1865 South Valley Drive for Retail (On-Off Sale) Malt Beverage License with Video Lottery

**2008 – 2009 Retail (On-Off Sale) Malt Beverage License NOT ELIGIBLE Video Lottery**

115. CEC Entertainment, Inc. dba Chuck E Cheese's, 30 Knollwood Drive for Retail (On-Off Sale) Malt Beverage License NO Video Lottery
116. NPC International, Inc. dba Pizza Hut No. 2776, 2604 West Main Street for Retail (On-Off Sale) Malt Beverage License NO Video Lottery

- 117. NPC International, Inc. dba Pizza Hut No. 2777, 2005 Mt. Rushmore Road for Retail (On-Off Sale) Malt Beverage License NO Video Lottery
- 118. Rapid City Softball Association dba Star of the West Complex, 1511 Sedivy Lane for Retail (On-Off Sale) Malt Beverage License NO Video Lottery

2008 – 2009 Package (Off Sale) Malt Beverage License

- 119. B & L, Inc. dba Boyd's Liquor Mart, 909 E. St. Patrick Street for Package (Off Sale) Malt Beverage License
- 120. B & L, Inc. dba Boyd's Liquor Mart, 2001 West Main Street for Package (Off Sale) Malt Beverage License
- 121. Cigarette Chain, Inc. dba Cigarette Chain, 1903 North Maple Avenue for Package (Off Sale) Malt Beverage License
- 122. Wal-Mart Stores, Inc. dba Wal-Mart Super Center, 1200 N. LaCrosse Street for Package (Off Sale) Malt Beverage License
- 124. **Rapid City Area Chamber of Commerce** for a Special Event Beer and Wine License for an event scheduled July 8, 2008 in the 7TH Street public right-of-way between Main Street and Saint Joseph Street and Art Alley
- 125. **Rapid City Area Chamber of Commerce** for a Special Event Beer and Wine License for an event scheduled August 12, 2008 at Great Western Bank, 14 Saint Joseph Street
- 126. **Rapid City Area Chamber of Commerce** for a Special Event Beer and Wine License for an event scheduled August 21, 2008 at Western Mailers, 224 East Saint Joseph Street
- 127. Cortez, LLC dba **Alex Johnson Hotel**, 523 Sixth Street for a Retail (On-Sale) Liquor License, Sunday on-sale TRANSFER from Hotel Management Company dba Alex Johnson Hotel, 523 Sixth Street
- 128. Cortez, LLC dba **Alex Johnson Hotel**, 523 Sixth Street for a Retail (On-Off Sale) Malt Beverage License, NO Video Lottery TRANSFER from Hotel Management Company dba Alex Johnson Hotel, 523 Sixth Street
- 129. Cortez, LLC dba **Alex Johnson Hotel**, 523 Sixth Street for a Package (Off-Sale) Liquor License TRANSFER from Hotel Management Company dba Alex Johnson Hotel, 523 Sixth Street
- 130. Heartland Entertainment, LLC dba **Heartland Entertainment**, 262 N. Cambell Street for Retail (On-Off Sale) Malt Beverage License NO Video Lottery **(CONTINUE HEARING TO JULY 7, 2008, PLANNING COMMISSION MUST APPROVE CONDITIONAL USE PERMIT)**
- 131. World Class Golf, Inc. dba **World Class Golf**, 5622 Sheridan Lake Rd., #105 for Retail (On-Off Sale) Malt Beverage License NO Video Lottery TRANSFER World Class Golf, Inc. dba World Class Golf, 2130 Jackson Blvd. **(CONTINUE HEARING TO JULY 21, 2008, PLANNING COMMISSION MUST APPROVE CONDITIONAL USE PERMIT)**

END OF CONSENT PUBLIC HEARING CALENDAR

Motion was made by Hadcock and seconded to approve Safeway Stores 46, Inc. dba Safeway No. 581, 2120 Mt. Rushmore Road for Package (Off Sale) Malt Beverage License renewal for 2008 – 2009. Motion carried with Johnson abstaining.

**NON-CONSENT PUBLIC HEARING ITEMS** – Items 132 – 142, and 36

The Mayor presented No. 08AN007, a request by City of Rapid City to consider an application for a **Resolution of Annexation** on Tract B of Lot 2 of Lot A, Lot 1 and Lot 2 of Tract A, and Lot 3 all in Barnhart Addition; Tract E & Dedicated Private Drive of KOA Subdivision in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; Lot A of SE $\frac{1}{4}$  NW $\frac{1}{4}$ ; Lot 1A of Lot 1 of Lot A of SW $\frac{1}{4}$  SW $\frac{1}{4}$ ; Tract 1, formerly Lot 1 of Lot B, a portion of the residual portion of Lot B, and portions of Lots 2 and 3 of Lot A including 25 feet private access agreement on residual portion of Lot C, all in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ ; Lot D including Lot 1 of Lot D located in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ ; Tract B of SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; Unplatted Balance of W $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; SW $\frac{1}{4}$  NW $\frac{1}{4}$  and NW $\frac{1}{4}$  SW $\frac{1}{4}$  including Lot A of NW $\frac{1}{4}$  SW $\frac{1}{4}$ ; Government Lot 4; the 150 foot wide E. Highway 44 right-of-way lying south of Lot 1A of Lot 1 of Lot A of SW $\frac{1}{4}$  SW $\frac{1}{4}$ , all located in Section 4, T1N, R8E, BHM, Pennington County, South Dakota; and, The 150 foot wide E. Highway 44 right-of-way within Section 4 lying south of Lot 3, Lots 1 & 2 of Tract A, Tract B of Lot 2 of Lot A, all of Barnhart Addition, Section 4, T1N, R8E, BHM, Pennington County, South Dakota; and, Tract A of SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4 and the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 9; Tract C of SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4 and Parcel E of NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 9; and the 150 foot wide E. Highway 44 right-of-way lying south of Tract C of SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4 and Parcel E of NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 9; all located in T1N, R8E, BHM, Pennington County, South Dakota; and, The part of Lot E of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  lying north of the highway right-of-way for access to Interstate Highway No. 90, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; and, All of Hillview Subdivision including Hillside Drive and Eagle Drive rights-of-way and Rockhill Road, an access easement; SE $\frac{1}{4}$  of GL 1 less N100 feet of SE $\frac{1}{4}$  of GL 1 including Lot A of Lutheran Subdivision; All of Marshall Subdivision including Homestead Street and Glenside Drive rights-of-way and Windhaven Drive, a private access easement; NE $\frac{1}{4}$  of Government Lot 1 (NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ); Lot 5 and Lot 7 of E $\frac{1}{2}$  SE $\frac{1}{4}$ ; The 150 foot wide E. Highway 44 right-of-way, including Lots H-1, H-2, H-3, and H-4, all located in the E $\frac{1}{2}$  of Section 5, lying south of Lot 5 and Lot 15 Revised and Lot 17 and the west 100 feet of Lot 14, all of Hillview Subdivision, and Lot 7 of E $\frac{1}{2}$  SE $\frac{1}{4}$ ; all located in Section 5, T1N, R8E, BHM, Pennington County, South Dakota; and, The 66 foot wide Valley Drive right-of-way north of S. D. Highway 44 located in the western boundary of the W $\frac{1}{2}$  of Section 4 and the eastern boundary of the E $\frac{1}{2}$  of Section 5, all located in T1N, R8E, BHM, Pennington County, South Dakota; and, The 100 foot wide railroad right-of-way lying north of Lot D of SW $\frac{1}{4}$  SW $\frac{1}{4}$  not already located within the City of Rapid City, Section 4, T1N, R8E, BHM, Pennington County, South Dakota; and, E $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 32, T2N, R8E, BHM, Pennington County, South Dakota; and, SW $\frac{1}{4}$  of Section 33, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north and south of S.D. Highway 44 and east and west of Valley Drive. The following resolution was introduced, read, and Hadcock moved its adoption:

#### RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS, the City Council of the City of Rapid City has conducted a study pursuant to SDCL 9-4-4.1 to determine the need for annexing the within described territory contiguous to the City of Rapid City and to determine and identify the territory, which study includes a document entitled "Annexation Study - North Valley Drive Annexation Area," filed in the office of the City Finance Officer; and,

WHEREAS, said study recommends that certain territory described therein, and legally described in this resolution, be annexed to and included within the boundaries of the City of Rapid City,

WHEREAS the City Council of the City of Rapid City conducted a public hearing at the City/School Administration Center, 300 Sixth Street, Rapid City, South Dakota at 7:00 p.m. on the 5th day of May 2008, and adopted a Resolution entitled, "A Resolution Declaring Intent to Extend the Boundaries of the City of Rapid City by Annexing the Within Described Territory"; and,

WHEREAS the Pennington County Board of County Commissioners approved this Resolution of Annexation at the Pennington County Court House, Rapid City, South Dakota, at 9:00 a.m. on the 20<sup>th</sup> day of May 2008; and,

WHEREAS the City Council of the City of Rapid City held a public hearing to consider the adoption of this Resolution of Annexation at the City/School Administration Center, 300 Sixth Street, Rapid City, South Dakota, at 7:00 p.m. on the 16<sup>th</sup> day of June 2008.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the City Council of the City of Rapid City finds as follows:

1. That the territory to be annexed generally consists of 497.279 acres and includes platted and unplatted lands in Sections 4, 5, and 9 of Township One (1) North, Range Eight (8) East, Black Hills Meridian, Pennington County, South Dakota and Sections 32 and 33 of Township Two (2) North, Range Eight (8) East, Black Hills Meridian, Pennington County, South Dakota.
2. That ample and suitable resources exist to accommodate the orderly growth and development of said territory and that municipal utilities and a major street network are, and have been, considered in terms of the proposed boundary extension.
3. That the following is the timetable upon which municipal service will be extended into said territory:

#### TIMETABLE

- A. GENERAL SERVICES. All services provided by the City, except as set forth below, will be provided to the annexed area on the same basis such services are provided to the rest of the City upon annexation.
- B. POLICE. All services provided by the Rapid City Police Department will be extended to the annexed area upon annexation on the same basis such services are provided to the rest of the City.
- C. FIRE. All services provided by the Rapid City Fire Department will be extended to the annexed area upon annexation on the same basis such services are provided to the rest of the City.
- D. WATER SERVICE. Water service, substantially equivalent in standard and scope to such service provided to the rest of the City, will be made available to the annexed area not included within the Rapid Valley Sanitary District, upon annexation, on the following basis:
  1. Acceptance of additions. The City will accept into its system for operation and maintenance additional water service facilities constructed in accordance with City standards.

Additions may be constructed by developers as future development takes place, by private parties constructing such additions after notice to the City and in compliance with City standards, or by the City under a resolution of necessity therefor.

2. Construction of additions by the City. The City shall, within thirty (30) days after receipt by the Finance Officer of a written request therefor signed by one or more owners of land located in the annexed area, undertake all such proceedings authorized by SDCL 9-47 as may be necessary and appropriate to permit:

(a) the construction of such water lines as may be necessary and appropriate to serve such land; and

b) the assessment of the costs thereof as provided by law.

Such actions shall be undertaken in good faith and with all due dispatch; the City shall conduct all proceedings necessary for the adoption of a resolution of necessity within six (6) months from the date of receipt of written request; such improvements shall be constructed within two (2) years after the effective date of the resolution of necessity unless delayed by legal challenge. The written request need be in no particular form but need merely convey in good faith the nature of the request, the description of the land to be served, and the name of the person making the request.

Nothing in the foregoing shall be construed as obligating the City to construct any water service facilities at City expense; however, the City in its sole discretion may choose to participate in the cost of constructing all or any part of such facilities.

Nothing in the foregoing shall be construed as obligating the City to accept for operation or maintenance any water line extending from individual properties to the City system. Such individual service lines shall, as elsewhere in the City, be the responsibility of the owner of such individual property.

E. **SEWER SERVICE.** Sewer service, substantially equivalent in standard and scope to such service provided to the rest of the City, will be made available to the annexed area not included within the Rapid Valley Sanitary District, upon annexation on the following basis:

1. Acceptance of Additions. The City will accept into its system for operation and maintenance such additional sewer lines constructed in accordance with City standards. Such additions may be constructed by developers as further development takes place, by private parties constructing such additions after notice to the City and in compliance with City standards, or by the City under a resolution of necessity therefor.

2. Construction of additions by the City. The City shall, within thirty (30) days after receipt by the Finance Officer of a written request therefor signed by one or more owners of land located in the annexed area, undertake all such proceedings authorized by SDCL 9-48 as may be necessary and appropriate to permit:

(a) the construction of such sewer lines as may be necessary and appropriate to serve such land; and

(b) the assessment of the costs therefor as provided by law.

Such actions shall be undertaken in good faith and with all due dispatch; the City shall conduct all proceedings necessary for the adoption of a resolution of necessity within six (6) months from the date of receipt of written request; such improvements shall be constructed within two (2) years after the effective date of the resolution of necessity unless delayed by legal challenge. The written request need be in no particular form but need merely convey in good faith the nature of the request, the description of the land to be served, and the name of the person making the request.

Nothing in the foregoing shall be construed as obligating the City to construct any sewer service facilities at City expense; however, the City in its sole discretion may choose to participate in the cost of constructing all or any part of such facilities.

Nothing in the foregoing shall be construed as obligating the City to accept for operation or maintenance any sewer line extending from individual properties to the City system. Such individual service lines shall, as elsewhere in the City, be the responsibility of the owner of such individual property.

F. STREETS. Street maintenance, sweeping, snow removal and roadside mowing shall be provided for existing public streets within the annexed area on the same basis as such services are provided to the rest of the City upon annexation.

Traffic signs, controls, and markings for existing public streets within the annexed area will be maintained upon annexation. Additional traffic control will be provided as needed and on the same basis as provided to the rest of the City from the time of annexation.

Street lighting presently existing in the annexed area and which becomes the responsibility of the City will be continued upon annexation. Additional street lighting in accordance with criteria generally employed through the City and with due consideration for the wishes of the residents will be provided within ninety (90) days after the streets to be lighted are paved; no lighting is expected to be provided on unpaved streets.

The City will accept for operation and maintenance as additions to the City street system such public streets constructed hereafter as are constructed to City standard and dedicated to the public, and accepted by the City.

G. SOLID WASTE COLLECTION AND DISPOSAL. Within sixty (60) days after annexation the City will determine by ordinance whether the annexation area or any portion thereof is to be included within the Garbage Service District. In any area included within the Garbage Service District, solid waste collection and disposal will be provided on the same basis and at the rates provided by ordinance. (Solid waste collection services provided by the City are limited to residential structures.)

In any event, within sixty (60) days after receipt by the City Finance Officer of a written request for such service signed by more than 50% of the residents of the annexation area, solid waste collection and disposal service will be provided to the annexation area on the same basis as such services are provided to the Garbage Service District. Such written request need be in no particular form but need only convey in good faith the request being made and the name of the

persons making the request. Nothing shall preclude the City from accepting petitions from less than the entire area or serving only a portion of the annexation area.

Use of the City Landfill will be available to residents of the annexed area upon annexation on the same basis such use is made available to the rest of the City.

H. PARKS AND RECREATION. All services provided by the Parks and Recreation Department shall be made available to the residents of the annexed territory on the same basis such services are provided to the rest of the City upon annexation.

I. LIBRARY. All services provided by the Rapid City Public Library shall be made available to the residents of the annexed territory on the same basis such services are provided to the rest of the City upon annexation.

4. That the approximate costs of the extended service to the residents of the said territory and to the City are as follows:

#### APPROXIMATE COSTS

A. GENERAL SERVICES. All services as set forth in Paragraph A of the Timetable may be provided to the annexed area without discernible additional cost to the residents of the annexed area or to the City of Rapid City; provided, however, that the use of services requiring the payment of fees shall be provided in return for payment of such fees in accordance with the applicable ordinances and regulations.

B. POLICE. All services provided by the Rapid City Police Department will be extended to the annexed area. The annual costs to the City would be approximately \$34,521.30 for service calls for this area.

C. FIRE. All fire suppression services are now provided by the Rapid Valley Fire Protection District through the Rapid Valley Volunteer Fire Department and the North Elk Fire Protection District through the North Elk Volunteer Fire Department. Upon annexation, the Rapid City Fire Department will provide emergency services (including fire suppression, medical/rescue services, and hazardous material handling) and non-emergency services (including fire inspection/investigation and public education). A future fire station for this area and the surrounding area is estimated to cost \$2,225,000 plus \$750,000 for 15 additional personnel. The annual estimate for providing services to the North Valley Drive annexation area is \$115,190.21.

The City is obligated to pay the Rapid Valley Fire Protection District and the North Elk Fire Protection District for any debts that have been incurred. It is estimated that the North Elk Fire District has a debt of approximately \$339,655. The estimated dollar amount that would have to be reimbursed to the North Elk Fire District for annexation of the North Valley Drive Annexation area would be approximately \$194.95. The Rapid Valley Fire District has indicated they do not have an outstanding debt and will not require reimbursement from Rapid City.

D. WATER. The City's water system is operated on an enterprise fund basis, i.e., the revenue produced from water service charges are used to provide water supply and to maintain the system. The cost, not including costs to be assessed as set forth below, to the residents of

the annexed area and other water users for water supply and system maintenance would be the monthly water service charges prescribed by ordinance for users of the system. The cost to the City for any given period is necessarily speculative but in the long run would be roughly equivalent to the revenue generated from water service charges. Revenues and expenditures associated with the annexed area would not be separated from the enterprise fund for the entire system.

Costs for constructing additions to the City’s water system will be assessed according to law, if constructed by the City, or will be paid by the developer or other persons constructing such additions.

Connection charges to the existing water and sewer system will be pursuant to the adopted “Resolution of Necessity” for assessed projects or on the same basis as such services provided to the rest of the City.

Water Service Fees

New account charge for accounts within the city limits:\$15.00.

<u>Meter Size (Inches)</u>	<u>Current Monthly Charge</u>
5/8”	\$7.26
3/4”	\$10.15
1”	\$12.76
1.5”	\$22.86
2”	\$33.80
3”	\$44.81
4”	\$66.83
6”	\$112.56
8”	\$182.22

Monthly charge includes 200 cubic feet of water. There is an additional charge of \$1.63 per 100 cubic feet for 3-meter irrigation allowance and \$2.24 per 100 cubic feet for more than meter irrigation allowance per month. In addition, a surcharge pursuant to S.D.C.L. Chapter 9-40 applies as follows:

1. For water use less than 200 cubic feet in any billing cycle month: \$1.00.
2. For water used in excess of 200 cubic feet in any billing cycle month: \$0.35 per 100 cubic feet.

Annual State Environmental Tax Surcharge

<u>Meter Size (Inches)</u>	<u>Annual State Environmental Tax Surcharge</u>
5/8”	\$1.25
3/4”	\$1.40
1”	\$1.75
1.5”	\$2.25
2”	\$3.50
3”	\$13.75

4"	\$17.50
6"	\$26.25
8"	\$35.25

### Tap Fees

1. For making each one-inch tap, the sum of ninety dollars (\$90.00);
2. For making each one and one-half-inch tap, the sum of sixty dollars (\$60.00);
5. For making each two-inch tap, the sum of sixty dollars (\$60.00);
6. For making taps in excess of two inches, but less than eight inches, the following fee shall be collected:
  - a. For making each tap, the sum of two hundred fifty dollars (\$250.00) for labor and equipment;
7. For making taps of eight inches or greater, the following fee shall be collected:
  - a. For making each tap, the sum of three hundred dollars (\$300.00) for labor and equipment.
  - b. In addition to the above fees, any person using the service of the machine and operator shall reimburse the city for any damage done to the equipment.

E. SEWER. The City's sewer system is operated on an enterprise fund basis, i.e., the revenue produced from sewer service charges are used to collect and treat wastewater and sewage and to maintain the system. The cost, not including costs to be assessed as set forth below, to residents of the annexed area and other users for collection, transportation, treatment and system maintenance would be the monthly sewer service charges prescribed by ordinance for users of the system. The cost to the City for any given period is necessarily speculative but in the long run would be roughly equivalent to the revenue generated from sewer service charges. Revenues and expenditures associated with the annexed area would not be separated from the enterprise fund for the entire system.

All costs for constructing additions to the City's sewer system will be assessed according to law, if constructed by the City, repaid with hookup charges, or will be paid by the developer or other persons constructing such additions. Costs to the City do not include any estimated costs for acquisition of easements. Typically such easements are obtained for nominal consideration, particularly when the costs are to be assessed. To the extent the typical does not apply and the use of eminent domain is necessary, the resulting costs are highly speculative.

City costs also do not include the cost of constructing the private service lines from the City's system to individual properties. Construction of such lines and the subsequent maintenance thereof are the responsibility of the individual property owners. Tap fees and permit fees are prescribed by ordinance. Such charges are roughly equivalent to the City's cost and are paid by the user.

The rate charged will be the City rate effective at first billing that occurs at least fifteen (15) days after annexation becomes effective.

### Sewer Fees

\$2.68 per one hundred cubic feet; monthly minimum of \$5.00 per equivalent single family user.

Residential Users. The wastewater flow from residential connections shall be determined each year from the metered water use for three winter months using the water meter readings taken in January, February and March. The average monthly winter use measured in hundreds of cubic feet, shall be multiplied by the applicable rate and the product will determine the monthly sewer use charge for the twelve-month period commencing April 1st for each year. New residential users or intermittent users shall pay a sewer use charge based on the average single-family residential water use of 700 cubic feet per month per dwelling unit served and this volume shall be used until the end of the next averaging period (December, January and February). For any of the three averaging months in which the meter is not actually read, the amount of 700 cubic feet times the number of dwelling units shall be inserted for that month to determine the average for the three months.

Commercial and Institutional Users Discharging Domestic Wastewater. The sewer use charge for commercial and institutional connections discharging wastewaters similar in physical, biological and chemical quality to domestic wastewater shall be determined by multiplying the monthly wastewater volume in 100 cubic feet by the rate established by subsection A of this section of the Rapid City Municipal Code per 100 cubic feet. The wastewater volume shall be determined from the monthly metered water, unless special allowances are made or the wastewater is metered as provided herein.

Industrial Users. The sewer charge for industrial connections shall be determined by multiplying the monthly wastewater volume measured in 100 cubic feet, by the rate established by subsection A of this section of the Rapid City Municipal Code per 100 cubic feet whenever the BOD concentration is less than 260 mg/l and the suspended solids concentration is less than 300 mg/l based on the average of flow proportioned, composite samples, collected at the times, frequencies and in the manner designated by the Director. Whenever the BOD concentration exceeds 260 mg/l or the suspended solids concentration exceeds 300 mg/l, based on the sampling and testing program specified by the Director, a surcharge will be assessed at the following rates on the portion of wastes in excess of 260 ppm BOD or 300 ppm TSS: eleven cents per pound of BOD and seven cents per pound of TSS.

Non-residential users may receive an adjustment to their sewer charge for water that is not discharged to the sanitary sewer. Such an adjustment shall only be made if the amount of water that is prevented from being discharged into the sanitary sewer system is metered, or if the actual sewage flow is metered.

Any industrial user may choose to measure the actual wastewater flow in lieu of basing the wastewater use charges on the metered water. In such cases, the conditions set forth herein shall apply. If an industrial user has completed in-plant modifications which would change the users wastewater characteristics or flows, the user can request that the Director adjust the industrial users surcharge rate. The Director's decision can be appealed to the City Council in a manner designated in Section 13.08.420 of the Rapid City Municipal Code.

A surcharge pursuant to S.D.C.L. Chapter 9-40 of \$0.14 per one hundred cubic feet of wastewater discharge is charged.

An annual environmental tax surcharge applies as follows:

Meter Size (Inches)

Annual State Environmental Tax Surcharge

5/8"	\$3.15
3/4"	\$3.55
1"	\$4.35
1.5"	\$5.60
2"	\$8.75
3"	\$34.30
4"	\$43.75
6"	\$65.60
8"	\$87.47

F. STREETS. Public paved streets are repaired as necessary. Asphalt streets are repaired only as required when pot holes, alligating or like problems make repairs necessary.

Streets developed as public streets within the subject territory will receive repair, sweeping, snow removal, traffic controls, street lighting and road side mowing on the same basis as the rest of the City. The annual costs to provide service to these areas would be approximately \$70,539.

G. SOLID WASTE COLLECTION AND DISPOSAL. The City's sanitation system is operated on an enterprise fund basis. The sanitation system serves only residential occupancies. Some areas of the City presently are not included in the Garbage Service District at the request of the residents of those areas. If the annexed area is included within the Garbage Service District the cost to the residents would be the garbage service charges prescribed by Ordinance #3796. The fee for City service would be based on the size of the container used for collection and would be increased on April 1 each year based upon the annual percentage change in the consumer price index. The current rates are: \$15.49 per month per household for a 35 gallon container, \$17.49 per month per household for a 65 gallon container, and \$19.49 per month per household for a 95 gallon container.

The rates for garbage collection and disposal service are designed to be roughly equivalent to the long-run cost to the City of providing such service. No short-run capital expense as a result of service to the annexed area is anticipated.

The cost of providing use of the City's landfill to users outside the Garbage Service District is roughly equivalent to the fees charged therefor. Residential users employing the services of a collector licensed by the City are entitled to use of the Landfill without additional charge.

H. PARKS AND RECREATION. All services provided by the Parks and Recreation Department will be provided to the residents of the annexed area with no discernible additional cost to the City or the residents of the annexed area. The Parks and Recreation Department is reviewing the need for a public park and trail system in the area. Additional costs in the future with the addition of a park and trail system would be approximately \$15,000 per year.

I. LIBRARY. All services provided by the Rapid City Public Library will be provided to the residents of the annexed area with no discernible additional cost to the residents of the annexed area. The City would have additional costs of \$44.79 per capita.

J. The foregoing notwithstanding, the residents of the annexed area will be subject to all of the various fees and charges provided by ordinance, regulations, or administrative action for

numerous services provided by the City. The incidence of such charges is highly speculative and largely within the choice of the person to be charged. Examples of such charges range from building permit fees to library book fines, from xerox copy charges to charges for swimming pool passes.

K. All of the cost estimates set forth herein are based on 2007 costs.

5. Estimated difference in tax assessment rate:

A. *Owner occupied property:*

The estimated difference in the 2007 tax assessment rate applied to an owner occupied property within the Rapid Valley Fire District upon annexation would be the addition of the City of Rapid City levy of 2.96 and elimination of the combined Fire Administration, Library and Unorganized Road levy of 1.47 mills and the Rapid Valley Fire levy of .71 mills. The total levy for owner occupied property in the Rapid Valley Fire District would therefore increase by .78 mills, an estimated 4.89% (4.76% for the properties within the Rapid Valley Sanitary District).

B. *Non-agricultural property:*

The estimated difference in the 2007 tax assessment rate applied to a non-agricultural property within the Rapid Valley Fire District upon annexation would be the addition of the City of Rapid City levy of 2.96 mills and elimination of the combined Fire Administration, Library, and Unorganized Road levy of 1.47 mills and the Rapid Valley Fire levy of 0.71 mills. The total levy for non-agricultural property in the Rapid Valley Fire District would therefore increase by 0.78 mills, an estimated 3.72% (3.64% for the properties within the Rapid Valley Sanitary District).

C. *Agricultural property:*

The estimated difference in the 2007 tax assessment rate applied to an agricultural property within the Rapid Valley Fire District upon annexation would be the addition of the City of Rapid City levy of 1.47 mills and elimination of the combined Fire Administration, Library, and Unorganized Road levy of 1.47 mills and the Rapid Valley Fire levy of 0.71 mills. The total levy for agricultural property in the Rapid Valley Fire District would therefore decrease by 0.71 mills, an estimated -4.95%. (There are no agricultural levied properties within the Rapid Valley Sanitary District).

The estimated difference in the 2007 tax assessment rate applied to an agricultural property within the North Elk Fire District upon annexation would be the addition of the City of Rapid City levy of 1.47 mills and elimination of the combined Fire Administration, Library and Unorganized Road levy of 1.47 mills and the North Elk Fire levy of 1.04 mills. The total levy for agricultural property in the North Elk Fire District would therefore decrease by 1.04 mills, an estimated -7.09%.

6. That exclusions or irregularities in boundary lines are not the result of arbitrariness but are based upon existing city limit lines, existing features, existing property boundaries, and existing occupancies and uses.

7. That there is reasonable present and demonstrable future need for annexing said territory.
8. That population and census data indicate that the City has and may experience growth or development beyond its present boundaries.
9. That there exists a commonality between the within described territory and the existing City of Rapid City.
10. That there are no significant physical barriers between the within described territory and the existing City of Rapid City.
11. That annexation of the within described territory to the City of Rapid City will result in a more compact, integrated City.

BE IT FURTHER RESOLVED by the City of Rapid City that the following described territory be and is hereby annexed to and included within the boundaries of the City of Rapid City:

Tract B of Lot 2 of Lot A, Lot 1 and Lot 2 of Tract A, and Lot 3 all in Barnhart Addition; Tract E & Dedicated Private Drive of KOA Subdivision in the SE1/4SW1/4; Lot A of SE1/4NW1/4; Lot 1A of Lot 1 of Lot A of SW1/4SW1/4; Tract 1, formerly Lot 1 of Lot B, a portion of the residual portion of Lot B, and portions of Lots 2 and 3 of Lot A including 25 feet private access agreement on residual portion of Lot C, all in the SW1/4SW1/4; Lot D including Lot 1 of Lot D located in the SW1/4SW1/4; Tract B of SE1/4SW1/4; Unplatted Balance of W1/2SE1/4SW1/4; SW1/4NW1/4 and NW1/4SW1/4 including Lot A of NW1/4SW1/4; Government Lot 4; the 150 foot wide E. Highway 44 right-of-way lying south of Lot 1A of Lot 1 of Lot A of SW1/4SW1/4, all located in Section 4, T1N, R8E, BHM, Pennington County, South Dakota; and,

The 150 foot wide E. Highway 44 right-of-way within Section 4 lying south of Lot 3, Lots 1 & 2 of Tract A, Tract B of Lot 2 of Lot A, all of Barnhart Addition, Section 4, T1N, R8E, BHM, Pennington County, South Dakota; and,

Tract A of SE1/4SW1/4 of Section 4 and the NE1/4NW1/4 of Section 9; Tract C of SE1/4SW1/4 of Section 4 and Parcel E of NE1/4NW1/4 of Section 9; and the 150 foot wide E. Highway 44 right-of-way lying south of Tract C of SE1/4SW1/4 of Section 4 and Parcel E of NE1/4NW1/4 of Section 9; all located in T1N, R8E, BHM, Pennington County, South Dakota; and,

The part of Lot E of the NE1/4NW1/4 lying north of the highway right-of-way for access to Interstate Highway No. 90, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; and,

All of Hillview Subdivision including Hillside Drive and Eagle Drive rights-of-way and Rockhill Road, an access easement; SE1/4 of GL 1 less N100 feet of SE1/4 of GL 1 including Lot A of Lutheran Subdivision; All of Marshall Subdivision including Homestead Street and Glenside Drive rights-of-way and Windhaven Drive, a private access easement; NE1/4 of Government Lot 1 (NE1/4NE1/4NE1/4); Lot 5 and Lot 7 of E1/2SE1/4; The 150 foot wide E. Highway 44 right-of-way, including Lots H-1, H-2, H-3, and H-4, all located in the E1/2 of Section 5, lying south of Lot 5 and Lot 15 Revised and Lot 17 and the west 100 feet of Lot 14, all of Hillview Subdivision, and Lot 7 of E1/2SE1/4; all located in Section 5, T1N, R8E, BHM, Pennington County, South Dakota; and,

The 66 foot wide Valley Drive right-of-way north of S. D. Highway 44 located in the western boundary of the W ½ of Section 4 and the eastern boundary of the E ½ of Section 5, all located in T1N, R8E, BHM, Pennington County, South Dakota; and,

The 100 foot wide railroad right-of-way lying north of Lot D of SW1/4SW1/4 not already located within the City of Rapid City, Section 4, T1N, R8E, BHM, Pennington County, South Dakota; and,

E1/2SE1/4 of Section 32, T2N, R8E, BHM, Pennington County, South Dakota; and,

SW1/4 of Section 33, T2N, R8E, BHM, Pennington County, South Dakota.

Dated this 16th day of June, 2008.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks

(SEAL)

The motion for the adoption of the foregoing resolution was seconded. This item is noticed by having sent, by Certified / Return Receipt, a Notice to every property owner; as well as the County Commission. The County Commission approved the annexation of the unplatted parcels so that the City might proceed after the public hearing to consider a Resolution of Annexation. Reading aloud, an excerpt from the Staff Report regarding, "Rapid City will be required to reimburse the North Elk Fire Protection District approximately \$194.95 upon annexation", questioned whether the amount is applied per acre. There is no indication, with any certainty, whether the stated amount is the total or whether the amount is applied per acre. Alderman Kooiker indicated his concern because of the uncertainty; and indicated to the Chair, his **Notice of Intent** to ask for reconsideration of item **No. 08AN007**, a request by City of Rapid City to consider an application for a Resolution of Annexation at the July 7, 2008 Council meeting. Upon a vote being taken on the motion to approve, the following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Okrepkie, Chapman, Weifenbach, Olson, Kroeger, and Kooiker; NO: None; whereupon said resolution was declared duly passed and adopted.

The Mayor presented No. 08FV005, a request by Luond, Inc. for Loren & Roberta Symonds to consider an application for a **Fence Height Exception to allow a fence over four feet in the front and side yard setback** on Lots 11 thru 13 of Block 3 of West Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1404 West Boulevard. Motion was made by LaCroix, seconded and carried to approve the fence height exception.

The Mayor presented No. 08CA016, a request by City of Rapid City to consider an application for an **Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a collector street** on Lots 1 and 2 of Potts Subdivision, located in that portion of the S1/2 SW1/4 SE1/4, Section 22, T1N, R7E; and the W1/2 N1/2 NE1/4 less Utility Subdivision, less Lots H1, H2 and H3, and less Right-of-way, located in the NW1/4 NE1/4, Section 27, T1N,

R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and west of Haugo Drive. The following resolution was introduced, read, and LaCroix moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 16<sup>th</sup> day of June, 2008, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would change the Major Street Plan by relocating a collector street, on Lots 1 and 2 of Potts Subdivision, located in that portion of the S1/2 SW1/4 SE1/4, Section 22, T1N, R7E; and the W1/2 N1/2 NE1/4 less Utility Subdivision, less Lots H1, H2 and H3, and less Right-of-way, located in the NW1/4 NE1/4, Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be revised by changing the Major Street Plan by relocating a collector street, on Lots 1 and 2 of Potts Subdivision, located in that portion of the S1/2 SW1/4 SE1/4, Section 22, T1N, R7E; and the W1/2 N1/2 NE1/4 less Utility Subdivision, less Lots H1, H2 and H3, and less Right-of-way, located in the NW1/4 NE1/4, Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 16th day of June, 2008.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks

(SEAL)

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

The Mayor presented No. 08CA017, a request by Double RF Development Co., LLC for an **Amendment to the Adopted Comprehensive Plan to revise the Future Land Use plan from Light Industrial to General Commercial** on Lot 1 of BHP Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Deadwood Avenue and West Chicago Street. The following resolution was introduced, read, and LaCroix moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 16<sup>th</sup> day of June, 2008, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would change the land use designation from Light Industrial to General Commercial, on Lot 1 of BHP Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be revised by changing the land use designation from Light Industrial to General Commercial, on Lot 1 of BHP Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 16th day of June, 2008.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks

(SEAL)

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

The Mayor presented No. 08CA018, a request by Double RF Development Co., LLC for an **Amendment to the Adopted Comprehensive Plan to revise the Future Land Use plan from Light Industrial to General Commercial** on a parcel of land, hereon referred to as Lot B located in Lot 3, NW1/4 SE1/4, Section 34, T2N, R7E, commencing at the northwesterly corner of said Lot 3 and the point of beginning. Thence: a bearing of N89°38'00"E and a distance of 158.76 feet along the northerly line of said Lot B; Thence: a bearing of S42°49'00"E and a distance of 117.54 feet along the easterly line of said Lot B, which is coincident with the westerly Right of way line of Deadwood Avenue; Thence: a bearing of S35°40'00"E and a distance of 114.63 feet along said easterly line of said Lot B; Thence: a bearing of S89°42'00"W and a distance of 304.40 feet along the southerly line of said Lot B; Thence: a bearing of N00°20'50"W and a distance of 179.93 feet along the westerly line of said Lot B, to the point of beginning, said Lot B contains 0.98 acres of land, more or less; and, Lot 1, all located in BHP Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest

corner of the intersection of Deadwood Avenue and West Chicago Street. The following resolution was introduced, read, and LaCroix moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 16<sup>th</sup> day of June, 2008, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would change the land use designation from from Light Industrial to General Commercial, on a parcel of land, hereon referred to as Lot B located in Lot 3, NW1/4 SE1/4, Section 34, T2N, R7E, commencing at the northwesterly corner of said Lot 3 and the point of beginning. Thence: a bearing of N89°38'00"E and a distance of 158.76 feet along the northerly line of said Lot B; Thence: a bearing of S42°49'00"E and a distance of 117.54 feet along the easterly line of said Lot B, which is coincident with the westerly Right of way line of Deadwood Avenue; Thence: a bearing of S35°40'00"E and a distance of 114.63 feet along said easterly line of said Lot B; Thence: a bearing of S89°42'00"W and a distance of 304.40 feet along the southerly line of said Lot B; Thence: a bearing of N00°20'50"W and a distance of 179.93 feet along the westerly line of said Lot B, to the point of beginning, said Lot B contains 0.98 acres of land, more or less; and, Lot 1, all located in BHP Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be revised by changing the land use designation from Light Industrial to General Commercial, on a parcel of land, hereon referred to as Lot B located in Lot 3, NW1/4 SE1/4, Section 34, T2N, R7E, commencing at the northwesterly corner of said Lot 3 and the point of beginning. Thence: a bearing of N89°38'00"E and a distance of 158.76 feet along the northerly line of said Lot B; Thence: a bearing of S42°49'00"E and a distance of 117.54 feet along the easterly line of said Lot B, which is coincident with the westerly Right of way line of Deadwood Avenue; Thence: a bearing of S35°40'00"E and a distance of 114.63 feet along said easterly line of said Lot B; Thence: a bearing of S89°42'00"W and a distance of 304.40 feet along the southerly line of said Lot B; Thence: a bearing of N00°20'50"W and a distance of 179.93 feet along the westerly line of said Lot B, to the point of beginning, said Lot B contains 0.98 acres of land, more or less; and, Lot 1, all located in BHP Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 16th day of June, 2008.

ATTEST:  
s/ James F. Preston

CITY OF RAPID CITY  
s/ Alan Hanks

Finance Officer

(SEAL)

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

The Mayor presented No. 08CA019, a request by Sperlich Consulting, Inc. for Doeck, LLC for an **Amendment to the Adopted Comprehensive Plan to revise the Future Land Use Plan to change the land use designation from Park Forest District to Low Density Residential District** on a portion of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , and a portion of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ , Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the easterly  $\frac{1}{4}$  section corner of Section 14, T2N, R7E, BHM, common with the westerly  $\frac{1}{4}$  section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning; Thence, first course: S00°02'25"W, along the Section Line common to said Sections 13 and 14, a distance of 338.77 feet; Thence, second course: N46°19'06"W, a distance of 364.65 feet; Thence, third course: N00°21'21"W, a distance of 576.95 feet; Thence, fourth course: N14°28'41"W, a distance of 182.07 feet; Thence, fifth course: N00°21'21"W, a distance of 85.00 feet; Thence, sixth course: N00°07'31"W, a distance of 52.00 feet; Thence, seventh course: N89°52'29"E, a distance of 0.75 feet; Thence, eighth course: N00°07'31"W, a distance of 111.82 feet; Thence, ninth course: N89°52'29"E, a distance of 130.75 feet; Thence, tenth course: S00°07'31"E, a distance of 11.82 feet; Thence, eleventh course: N89°52'29"E, a distance of 185.16 feet, to a point on the Section Line common to said Sections 13 and 14; Thence, twelfth course: S00°10'27"W, along the Section Line common to said Sections 13 and 14, a distance of 904.01 feet, to the easterly  $\frac{1}{4}$  section corner of Section 14, T2N, R7E, BHM, common with the westerly  $\frac{1}{4}$  section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning, located at the western terminus of Auburn Drive. The following resolution was introduced, read, and LaCroix moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 16<sup>th</sup> day of June, 2008, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would change the land use designation from Park Forest District to Low Density Residential District, on a portion of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , and a portion of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ , Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the easterly  $\frac{1}{4}$  section corner of Section 14, T2N, R7E, BHM, common with the westerly  $\frac{1}{4}$  section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning; Thence, first course: S00°02'25"W, along the Section Line common to said Sections 13 and 14, a distance of 338.77 feet; Thence, second course: N46°19'06"W, a distance of 364.65 feet; Thence, third course: N00°21'21"W, a distance of 576.95 feet; Thence, fourth course: N14°28'41"W, a distance of

182.07 feet; Thence, fifth course: N00°21'21"W, a distance of 85.00 feet; Thence, sixth course: N00°07'31"W, a distance of 52.00 feet; Thence, seventh course: N89°52'29"E, a distance of 0.75 feet; Thence, eighth course: N00°07'31"W, a distance of 111.82 feet; Thence, ninth course: N89°52'29"E, a distance of 130.75 feet; Thence, tenth course: S00°07'31"E, a distance of 11.82 feet; Thence, eleventh course: N89°52'29"E, a distance of 185.16 feet, to a point on the Section Line common to said Sections 13 and 14; Thence, twelfth course: S00°10'27"W, along the Section Line common to said Sections 13 and 14, a distance of 904.01 feet, to the easterly ¼ section corner of Section 14, T2N, R7E, BHM, common with the westerly ¼ section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be revised by changing the land use designation from Park Forest District to Low Density Residential District, on a portion of the SE¼ of the NE¼, and a portion of the NE¼ of the SE¼, Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the easterly ¼ section corner of Section 14, T2N, R7E, BHM, common with the westerly ¼ section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning; Thence, first course: S00°02'25"W, along the Section Line common to said Sections 13 and 14, a distance of 338.77 feet; Thence, second course: N46°19'06"W, a distance of 364.65 feet; Thence, third course: N00°21'21"W, a distance of 576.95 feet; Thence, fourth course: N14°28'41"W, a distance of 182.07 feet; Thence, fifth course: N00°21'21"W, a distance of 85.00 feet; Thence, sixth course: N00°07'31"W, a distance of 52.00 feet; Thence, seventh course: N89°52'29"E, a distance of 0.75 feet; Thence, eighth course: N00°07'31"W, a distance of 111.82 feet; Thence, ninth course: N89°52'29"E, a distance of 130.75 feet; Thence, tenth course: S00°07'31"E, a distance of 11.82 feet; Thence, eleventh course: N89°52'29"E, a distance of 185.16 feet, to a point on the Section Line common to said Sections 13 and 14; Thence, twelfth course: S00°10'27"W, along the Section Line common to said Sections 13 and 14, a distance of 904.01 feet, to the easterly ¼ section corner of Section 14, T2N, R7E, BHM, common with the westerly ¼ section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning as attached to the original hereof and that such amendment be filed with the City Finance Office/

Dated this 16th day of June, 2008.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks

(SEAL)

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

Motion was made by LaCroix, seconded and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of **curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16**

**of the Rapid City Municipal Code** on Lots 2R and 3R, formerly Lots 2 thru 6 less Lot H1, located in the SE1/4 of the NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lots 2 thru 6 less Lot H1, located in the SE1/4 of the NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, located at 6417 South Canyon Road. (08SV031)

The Mayor presented No. 08SV031, a request by Michael and Susan Bergstresser and Elmer E. and Barbara Storm for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2R and 3R, formerly Lots 2 thru 6 less Lot H1, located in the SE1/4 of the NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lots 2 thru 6 less Lot H1, located in the SE1/4 of the NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, located at 6417 South Canyon Road. Motion was made by LaCroix, seconded and carried to approve the Variance with the following stipulation: Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

The Mayor presented No. 08RZ015, second reading of Ordinance No. 5394, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Double RF Development Co., LLC for a **Rezoning from Light Industrial District to General Commercial District** on Lot 1 of BHP Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Deadwood Avenue and West Chicago Street. Notice of hearing was published in the Rapid City Journal on June 7, 2008 and June 14, 2008. Ordinance No. 5394 having had the first reading on June 2, 2008, motion was made by LaCroix and seconded that the title be read the second time. The following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Okrepkie, Chapman, Weifenbach, Olson, Kroeger, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5394 the second time.

The Mayor presented No. 08RZ016, second reading of Ordinance No. 5395, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Double RF Development Co., LLC for a **Rezoning from Light Industrial District to General Commercial District** on a parcel of land, hereon referred to as Lot B located in Lot 3, NW1/4 SE1/4, Section 34, T2N, R7E, commencing at the northwesterly corner of said Lot 3 and the point of beginning. Thence: a bearing of N89°38'00"E and a distance of 158.76 feet along the northerly line of said Lot B; Thence: a bearing of S42°49'00"E and a distance of 117.54 feet along the easterly line of said Lot B, which is coincident with the westerly Right of way line of Deadwood Avenue; Thence: a bearing of S35°40'00"E and a distance of 114.63 feet along said easterly line of said Lot B; Thence: a bearing of S89°42'00"W and a distance of 304.40 feet along the southerly line of said Lot B; Thence: a bearing of N00°20'50"W and a distance of 179.93 feet along the westerly line of said Lot B, to the point of beginning, said Lot B contains 0.98 acres of land, more or less; and, Lot 1, all located in BHP Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Deadwood Avenue and West Chicago Street. Notice of hearing was published in the Rapid City Journal on June 7, 2008 and June 14, 2008. Ordinance No. 5395 having had the first reading on June 2, 2008, motion was made by Hadcock and seconded that the title be read the second time. The following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Okrepkie, Chapman, Weifenbach, Olson, Kroeger,

and Kooiker; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5395 the second time.

The Mayor presented No. 08RZ017, second reading of Ordinance No. 5396, 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 Doeck, LLC for a **Rezoning from No Use District to Low Density Residential District** on a portion of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , and a portion of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ , Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the easterly  $\frac{1}{4}$  section corner of Section 14, T2N, R7E, BHM, common with the westerly  $\frac{1}{4}$  section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning; Thence, first course: S00°02'25"W, along the Section Line common to said Sections 13 and 14, a distance of 338.77 feet; Thence, second course: N46°19'06"W, a distance of 364.65 feet; Thence, third course: N00°21'21"W, a distance of 576.95 feet; Thence, fourth course: N14°28'41"W, a distance of 182.07 feet; Thence, fifth course: N00°21'21"W, a distance of 85.00 feet; Thence, sixth course: N00°07'31"W, a distance of 52.00 feet; Thence, seventh course: N89°52'29"E, a distance of 0.75 feet; Thence, eighth course: N00°07'31"W, a distance of 111.82 feet; Thence, ninth course: N89°52'29"E, a distance of 130.75 feet; Thence, tenth course: S00°07'31"E, a distance of 11.82 feet; Thence, eleventh course: N89°52'29"E, a distance of 185.16 feet, to a point on the Section Line common to said Sections 13 and 14; Thence, twelfth course: S00°10'27"W, along the Section Line common to said Sections 13 and 14, a distance of 904.01 feet, to the easterly  $\frac{1}{4}$  section corner of Section 14, T2N, R7E, BHM, common with the westerly  $\frac{1}{4}$  section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning, located at the western terminus of Cobalt Drive. Notice of hearing was published in the Rapid City Journal on June 7, 2008 and June 14, 2008. Ordinance No. 5396 having had the first reading on June 2, 2008, motion was made by Hadcock and seconded that the title be read the second time. The following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Okrepkie, Chapman, Weifenbach, Olson, Kroeger, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5396 the second time.

The Mayor presented No. 08RZ018, second reading of Ordinance No. 5397, 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 General Agriculture District** on the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , and the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ , and the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$ , all Section 14; and the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 23; all less the East 33 feet previously annexed and less A portion of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , and a portion of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ , Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the easterly  $\frac{1}{4}$  section corner of Section 14, T2N, R7E, BHM, common with the westerly  $\frac{1}{4}$  section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning; Thence, first course: S00°02'25"W, along the Section Line common to said Sections 13 and 14, a distance of 338.77 feet; Thence, second course: N46°19'06"W, a distance of 364.65 feet; Thence, third course: N00°21'21"W, a distance of 576.95 feet; Thence, fourth course: N14°28'41"W, a distance of 182.07 feet; Thence, fifth course: N00°21'21"W, a distance of 85.00 feet; Thence, sixth course: N00°07'31"W, a distance of 52.00 feet; Thence, seventh course: N89°52'29"E, a distance of 0.75 feet; Thence, eighth course: N00°07'31"W, a distance of 111.82 feet; Thence, ninth course: N89°52'29"E, a distance of 130.75 feet; Thence, tenth course: S00°07'31"E, a distance of 11.82 feet; Thence, eleventh course: N89°52'29"E, a distance of 185.16 feet, to a point on the Section Line common to said Sections 13 and 14; Thence, twelfth course: S00°10'27"W, along the Section Line common to said Sections 13 and

14, a distance of 904.01 feet, to the easterly ¼ section corner of Section 14, T2N, R7E, BHM, common with the westerly ¼ section corner of Section 13, T2N, R7E, BHM, and the Point of Beginning, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Bunker Drive and west of Haines Avenue. Notice of hearing was published in the Rapid City Journal on June 7, 2008 and June 14, 2008. Ordinance No. 5397 having had the first reading on June 2, 2008, motion was made by Hadcock and seconded that the title be read the second time. The following voted AYE: LaCroix, Johnson, Hadcock, Hurlbut, Okrepkie, Chapman, Weifenbach, Olson, Kroeger, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5397 the second time.

## **BILLS**

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

Payroll Paid Ending 5-31-08, Paid 5-30-08	1,177,446.85
Payroll Paid Ending 5-24-08, Paid 5-30-08	798,754.68
Payroll Paid Ending 5-24-08, Paid 5-30-08	2,946.53
Pioneer Bank, Taxes Paid 5-30-08	298,177.82
Pioneer Bank, Taxes Paid 5-30-08	200,927.20
Pioneer Bank, Taxes Paid 5-30-08	221.59
South Dakota Retirement System, Paid 6-6-08	442,330.28
South Dakota Retirement System, Paid 6-6-08	533.15
First Administrators, Claims Paid 5-28-08	105,591.83
First Administrators, Claims Paid 6-4-08	54,347.03
First Administrators, Claims Paid 6-10-08	51,551.42
Pennington Title Company, 820 Lemmon Avenue property	55,000.00
Berkley Risk Administrators, Claims Paid 6-6-08	45,029.01
Black Hills Electric Coop, electricity	886.67
Black Hills Power & Light, electricity	22,904.09
Computer Bill List	<u>3,614,927.78</u>
Subtotal	\$6,871,575.93
Payroll Paid Ending 5-24-08, Paid 5-30-08	2,804.74
Pioneer Bank, Taxes Paid 5-30-08	214.57
South Dakota Retirement System, Paid 6-6-08	481.41
City of Rapid City, health insurance	1,294.50
City of Rapid City, postage	21.79
Knology, phone	34.62
Simpson's Printing, newsletter	103.82
Standard Life, life insurance	<u>7.00</u>
Subtotal	\$6,876,538.38
Wells Fargo Brokerage Service, airport paving bond payment	<u>56,932.49</u>
Total	\$6,933,470.87

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

Motion was made by Okrepkie and seconded to go into Executive Session at 10:44 P.M. for the reasons permitted by SDCL 1-25-2. Motion carried. The Council came out of Executive Session at 11:13 P.M. with all members present.

**STAFF DIRECTION**

Motion was made by Okrepkie, seconded and carried to authorize Mayor, Finance Officer, and City Attorney to execute any documents necessary to settle the claim with Shaun Shorter in the amount of \$550, contingent upon all other parties with the claim, accepting the proposed settlement.

**ADJOURN**

As there was no further business to come before the Council at this time, the meeting adjourned at 11:15 P.M.

ATTEST:

CITY OF RAPID CITY

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

\_\_\_\_\_  
Mayor

(SEAL)