

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

March 17, 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, March 17, 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, Ron Kroeger and Sam Kooiker; and the following Alderpersons arrived during the course of the meeting: Karen Olson; and the following were absent: None.

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

ADOPTION OF AGENDA

The following items were added to the agenda:

- Advertising Authority for Canyon Lake Dam Repairs, Project No. PW08-1718 / CIP No. 50576
- Consider item #39 (No. LF031208-14) after Canyon Lake Dam Advertising Authority
- Pap Madison Cabin
- March 31, 2008 2012 Committee meeting
- Consider Bill List after Executive Session

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

APPROVE MINUTES

Motion was made by Okrepkie, seconded and carried to approve the minutes for March 3, 2008.

AWARDS AND RECOGNITIONS

Mayor Hanks presented the Veteran for the Month of March, 2008 to Ervin "Butch" Read, and recognized his efforts and dedication to the service of his country and community.

GENERAL PUBLIC COMMENT

Chuck Henrie, Rapid City asked that while the City considers the expansion of the Rapid Transit System, the Council ride the Transit buses and visit with those individuals who use the Rapid Transit System.

NON-PUBLIC HEARING ITEMS -- Items 3 - 71

Motion was made by Okrepkie and seconded to open public comment on Items 3 - 49. Motion carried. Pennington County Commissioner Gale Holbrook addressed item #23, a resolution on

a wholesale liquor tax. Holbrook asked for support from the Council, and offered support, for the resolution prepared by the City Attorney. He indicated that there is no support from the wholesale liquor industry or the State legislature on the proposal to impose a ten cent per drink tax. Holbrook explained that the offices of the Pennington County Sheriff cost the taxpayers of Pennington County an estimated \$30 Million annually. He reported that the Pennington County Commission is expected to approve a contract to construct an additional two floors on the jail facility and property taxes will pay for the construction costs. Motion was made by Okrepkie and seconded to closed public comment on items 3 - 49. Motion carried.

CONSENT ITEMS – Items 1 - 49

The following items were removed from the Consent Items:

4. Acknowledge the status report on Well No. 12
23. Request the City Attorney's office to draft a resolution of support regarding increasing the wholesale liquor tax at approximately 10 cents a drink on the retail level
25. No. LF031208-02 – Approve request from the Rapid City Girls Junior Olympic ASA Softball Organization that the City waive any costs involved with using the City's portable bleachers at Pete Lien Field for the 2008 USA Olympic Softball Game to be played on July 15, 2008, and to name the City of Rapid City as an additional insured.
31. Authorize expenditure of up to \$28,000 for engine replacement and to declare this as an emergency.
39. No. LF031208-14 – Authorize staff to negotiate Professional Service Agreement for design of third level of the 6th Street parking ramp structure.

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

Vacations of Right-Of-Way Set for Hearing (April 21, 2008)

3. No. 08VR003 - A request by FourFront Design, Inc. for Youth & Family Services, Inc. for a **Vacation of Right-of-way** on the Monroe Street Right-of-way on the north 14 feet of Monroe Street contiguous with Lot A of Block 12, Wise's Addition, located in the SE1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 410 East Monroe Street.

Public Works Committee Consent Items

5. No. PW031108-01 - Authorize staff to advertise for bids for Liquid Polymer Additive for Water Treatment Plan
6. No. PW031108-02 - Authorize staff to advertise for bids for Class 8, Tandem Axel Dump Truck Replacement for Water Division
7. No. PW031108-03 - Authorize staff to advertise for bids for 2008 Pavement Marking Contract No. PM081705 for Traffic Division
8. No. PW031108-05 - Authorize staff to advertise for bids for Rapid City Parks and Recreation Department Canyon Lake Maintenance Building (new 6,750 SF Park Maintenance Shop)

9. No. PW031108-06 - Authorize staff to advertise for bids for Dover Lane Water Main Reconstruction Project No. W08-1707
10. No. PW031108-07 - Authorize staff to advertise for bids for 43rd Court Water Main Reconstruction Project No. ST06-1529
11. No. PW031108-04 - Authorize staff to advertise for bids for Rapid City Bus Storage Facility, Phase 2 Project No. IDP07-1636 (renovation of former Ziggy's Building, 760 Centre Street)
12. No. PW031108-08 - Authorize the Mayor and Finance Officer to sign Amendment No. 2 to a Professional Services Agreement with Ferber Engineering Company, Inc. for LaCrosse Street Drainage Improvements Project No. DR01-1157 / CIP #50438 for an amount not to exceed \$5,370
13. No. PW031108-09 - Authorize the Mayor and Finance Officer to sign an Agreement with Kummer & Steele Partnership for Payment of Sewer and Water Construction Fees
14. No. PW031108-10 - Authorize the Mayor and Finance Officer to sign a Sewer Construction Fee Resolution for Kummer & Steele Partnership Sewer Main Boring
15. No. PW031108-11 - Authorize the Mayor and Finance Officer to sign a Water Construction Fee Resolution for Kummer & Steele Partnership Water Main Boring
16. No. PW031108-12 - Authorize the Mayor and Finance Officer to sign an Agreement with American Engineering Testing, Inc. for Geotechnical Study for Meadowbrook Drive Reconstruction Project ST08-1708 CIP#50338 for an amount not to exceed \$2,139.00
17. No. PW031108-13 - Authorize the Mayor and Finance Officer to sign a Covenant Agreement with G and G Investments LLP for the Acquisition of a Permanent Utility Easement / Land Purchase for the Elk Vale Reservoirs. Easement to be funded by the Utility Facility (.16) Fund; and eligible for repayment by Tax Increment District 42
18. No. PW031108-14 - Authorize the Mayor and Finance Officer to sign a Covenant Agreement with VSADD Holdings, LLC for Cost Sharing of Extending Sewer Main to Serve 2020 Jackson Boulevard (construction of Sanitary Sewer, Project #SS06-1587)
19. No. PW031108-18 - Waive the 180 day filing requirement; and approve reimbursement in the amount of \$3,123.87 to Edgar Matuska, 2820 West Main Street for damages from a sewer backup in January, 2007
20. No. PW031108-19 - Approve a request to Seek Proposals for Engineering Services for the Allen Avenue Alley Sewer Reconstruction Project SS08-1710 / CIP #50419; and Blaine, Halley, Holcomb, E. Jackson and N. Maple Sewer Reconstruction Project SS08-1711 / CIP #50420
21. No. 08VE001 - Approve with stipulations, a request by C. Michael Homes, Inc. to consider an application for **Vacation of Non-Access Easement**, located south of the intersection of Cog Hill Lane and Sahalee Drive

RESOLUTION OF VACATION
NON-ACCESS EASEMENT

WHEREAS the Rapid City Council held a public hearing on the 17th day of March, 2008 to consider the vacation of a portion of a Non-Access Easement on Lot 19 of Block 4 of Red Rock Meadows Subdivision, located in the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Cog Hill Lane and Sahalee 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 17th day of March, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

- 22. No. PW031108-20 - Approve a request by Black Hills Harley-Davidson for temporary use of a Conditional Use Permit, pursuant to Section 17.18.040 of the Rapid City Municipal Code for a collaborative project with the Black Hills Area Habitat for Humanity from May 14, 2008 – May 25, 2008

Legal & Finance Committee Consent Items

- 24. No. LF031208-01 – Acknowledge report on 2007 All Nighter Adult Softball Tournament and approve a request for tournament to be held June 13-14, 2008
- 26. No. LF031208-03 – Approve request from the Rapid City Girls Junior Olympic ASA Softball Organization to relocate the recycle bins and compost collection bins currently located in the parking lot at Pete Lien Memorial Field for approximately 7 days.
- 27. No. LF031208-04 – Confirm appointment of Mike Albertson to the DARB Board.
- 28. No. LF031208-05 – Confirm appointment of Malcom Chapman as City Council Representative to the GIS/LIS Committee.
- 29. No. LF031208-06 – Approve Resolution Setting April 26, 2008, as Clean Up Day.

RESOLUTION

WHEREAS, reducing litter, rubbish, and other debris is an important part of the scenic beauty of the City of Rapid City; and

WHEREAS, from time to time the City becomes negatively impacted by litter, rubbish and other debris; and

WHEREAS, the City periodically needs such litter, rubbish, and other debris removed; and

WHEREAS, the City has an interest in working with volunteers to clean up Rapid City; and

WHEREAS, the City of Rapid City appreciates the assistance of individual volunteers and volunteer organizations who assist with clean up projects.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City officially recognizes and sponsors the 38th Annual Rapid City Clean-Up Day on April 26, 2008, and all the volunteers who participate therein.

Dated this 17th day of March, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

- 30. No. LF031208-20 – Confirm Appointment of Gene Fennel, Jaimie Stampe, Dave St. Pierre, Bill Barber, Brad Solon, and Tim Behlings to the 2006 IBC Review Board.
- 32. No. LF031208-08 – Approve Travel Request for Brian Maliske to attend IAAM Conference and Trade Show in Anaheim, CA, July 26-30, 2008, in the approximate amount of \$2,155.
- 33. No. LF031208-09 – Approve Travel Request for Larry Dale to attend NAC Annual Convention in Anaheim, CA, July 26-30, 2008, in the approximate amount of \$2,055.
- 34. No. LF031208-10 – Request the Mayor to appoint and the City Council to confirm a task force consisting of representatives from the Rapid City Planning Commission, the City Council, and members of the community which would meet individually with the various other entities affected by the potential expansion of the platting jurisdiction and bring back a recommendation to the Planning Commission.
- 35. No. LF031208-22 – Approve Amended Travel Request for Monica Heller, Community Planning Coordinator and Jared Ball, Planner I to attend the American Planning Association National Planning Conference in Las Vegas, Nevada, April 27-May 1, 2008, in the approximate amount of \$3,674.
- 36. No. LF031208-11 – Approve Resolution Declaring Property Surplus

RESOLUTION DECLARING PROPERTY SURPLUS

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

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

Fire Department

1988 105' Ladder Truck S/N: 1P9CA02JZJA040498 Inventory number 004053

Parks Department

1999 Volvo Front-end loader S/N: 1810043 Inventory number 019689

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

Dated this 17th day of March, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

37. No. LF031208-12 – Approve Travel Request for Russ Tiensvold, GIS Coordinator to attend the ESRI User Conference in San Diego, CA August 4-8, 2008 (travel dates August 3-8) in an approximate amount of \$1,630.00.
38. No. LF031208-13 – Authorize Mayor and Finance Officer to sign Local Governing Body Approval Letter for WAVI for Emergency Shelter Grant Funds for the Operation of the Shelter.
40. No. LF031208-15 – Authorize Mayor and Finance Officer to sign Urban Public Transportation Grant Agreement.
41. No. LF031208-16 – Authorize Mayor and Finance Officer to sign Professional Service Agreement with BF Variety Store, Inc., d/b/a Matt Kimball for Pro Shop Concessionaire and Adult Golf Instructor at Meadowbrook and Executive Golf Courses.
42. No. LF031208-17 – Authorize Mayor and Finance Officer to sign Land and Water Conservation Fund Grant for Vicki Powers Park Playground.
43. No. LF031208-18 – Authorize Mayor and Finance to sign Covenant Agreement between the City of Rapid City and Good Guys, LLC to Allow Shared Parking and Landscaping at Tuscany Square.
44. No. LF031208-19 – Acknowledge Raffle Request for South Dakota Association for Lifelong Learning.
45. Approve the following licenses: Electrical Journeyman: Dennis Wentworth; Sign Contractor: Michael Boll, Black Hills Tent & Awning; Mechanical Apprentice: Andrew Fletcher and Shane Conklin; Mechanical Installer: Victor Wood.

Growth Management Department Consent Items

46. No. 08AN001 - A request by Fisk Land Surveying & Consulting Engineers for Paul Bradsky of Atlantis, LLC for a **Petition for Annexation** on a portion of Tract E of W-Y Addition located in the W1/2 SW1/4 of Section 27, T2N, R8E, BHM, Pennington County, South Dakota, as shown on the plat filed May 21, 1974 and recorded in Book 13 of Plats on Page 158, more fully described as follows: Beginning at the southwest corner of said Tract E of W-Y Addition, said point being located along the northerly line of adjoining railroad right-of-way and also coincident with the southeast corner of Lot 1 of Atlantis Subdivision, as shown on the plat filed December 15, 2005 and recorded in Book 33 of Plats on Page 123; thence, northwesterly along the west line of said Tract E of W-Y Addition and along the east line of said Lot 1 of Atlantis Subdivision, N14°48'51"W, a distance of 204.91 feet, more or less to the northeast corner of said Lot 1 of Atlantis Subdivision, said point being coincident with the southeast corner of Lot 2 of Davis Subdivision, as shown on the plat filed February 20, 2003 and recorded in Book 31 of Plats on Page 57; thence, N75°10'43"E a distance of 317.85 feet more or less, to a point on the east line of said Tract E of W-Y Addition, said point also being located on the west line of Lot 2 of Wal-East Subdivision, as shown on the plat filed August 17, 2000 and recorded in Book 29 of Plats on Page 88; thence southeasterly along the east line of said

Tract E of W-Y addition and along the westerly line of Lot 2 of Wal-East Subdivision, S14°48'25"E a distance of 142.78 feet more or less to the southeast corner of said Tract E of W-Y Addition, said point being coincident with the southwest corner of Lot 2 of Wal-East Subdivision and also located along the northerly edge of the adjoining railroad right-of-way; thence, curving to the right along the southerly edge of said Tract E of W-Y Addition and along the northerly edge of the adjoining railroad right-of-way, along a curve with a radius of 5679.58 feet, a central angle of 3°16'03", an arc length of 323.90 feet, and a chord bearing and distance of S64°07'04"W 323.86 feet more or less, to the point of beginning, located at 4301 South Interstate 90 Service Road. (APPROVE Petition for Annexation contingent on any payment due to the Box Elder Rural Fire Protection District being made by the City of Rapid City.)

47. No. 08PL001 - A request by Black Hills Surveying for Duane Hosek for a **Preliminary Plat** on Lots 1 and 2 of Hosek Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as all of Block 24 of Mahoney Addition, less the west 25 feet, less the south eight and one half feet and the east eight and one half feet, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1509 Midway.(APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, a revised plat document shall be submitted for review and approval identifying the required non-access easement; 2. Prior to City Council approval of a Preliminary Plat application, construction plans for the sidewalk on Midway Street shall be submitted for review and approval as identified and Midway Street shall be signed as No Parking or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to City Council approval of a Preliminary Plat application, road construction plans for Patton Street be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained . In addition, the plat document must be revised to dedicate one additional foot of right-of-way or a Variance to the Subdivision Regulations must be obtained; 4. Prior to City Council approval of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 5. Prior to submittal of a Final Plat application, any structures encroaching into adjacent street right-of-way must be removed or the right-of-way must be vacated; 6. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval.)
48. No. 08PL013 - A request by Fisk Land Surveying & Consulting Engineers for Hewey Clemmons for a **Layout Plat** on Lots A, B and C of Clemmons Addition, located in the S1/2 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the balance of Lot 3 of the S1/2 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet; thence, N63°41'40"W a distance of 205.00 feet; thence, N84°39'26"W a distance of 270.00 feet; thence, N33°30'20"W a distance of 84.00 feet; thence, N00°00'00"W a distance of 796.70 feet; thence, N57°23'22"W a distance of 117.40 feet; thence, N03°48'46"E a distance of 95.00 feet;

thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining railroad right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'30", an arc length of 442.52 feet, and a chord bearing and distance of S62°19'40"E 442.42 feet; thence, continuing southeasterly along the southerly edge of the adjoining railroad right-of-way, S64°28'27"E a distance of 72.21 feet more or less, to the point of beginning, located south of East S.D. Highway 44 and Apple Tree Road. (LAYOUT PLAT IS DENIED WITHOUT PREJUDICE.)

49. No. 08PL019 - A request by Jared Tordsen for Land and Marine Development, Inc. for a **Preliminary Plat** on Lots 15 thru 21 of Rockinon Ranch Estates, located in N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 NE1/4 SE1/4 less lots 1 thru 7, 22, 31 and 32 of Rockinon Ranch Estates, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Bunker Drive and south of Lennon Lane. (APPLICANT'S WITHDRAWAL OF THE PRELIMINARY PLAT APPLICATION IS ACKNOWLEDGED.)

END OF CONSENT CALENDAR

Motion was made by LaCroix and seconded to acknowledge the status report on Well No. 12. During the installation of the well pump there was a failure of one of the pump column segments. The pump column segments separated and the well pump fell to the 900 foot level in the well. The contractor is attempting to hire a well service company to retrieve the damaged pump; and, is also making arrangements for a new pump. The pump manufacturer acknowledges that this failed pump installation is their problem and have agreed to furnish a new pump and pay for the retrieval costs. The Public Works Director agreed to provide members of the Council with a complete timeframe for the completion of the well project. Substitute motion was made by Kooiker and seconded to refer Well No. 12 status report to the April 1, 2008 Public Works Committee meeting. Motion carried.

Motion was made by Hadcock and seconded to request the City Attorney's office to draft a resolution of support regarding increasing the wholesale liquor tax at approximately 10 cents a drink on the retail level. The following Resolution was introduced, read, and a substitute motion was made Olson for adoption:

RESOLUTION

WHEREAS, the abuse of alcohol causes the City of Rapid City to expend considerable sums of tax dollars to provide a variety of services, including participating in the costs of the County's detoxification program, as well as significant law enforcement and jail expenses; and

WHEREAS, the City of Rapid City recognizes that the abuse of alcohol can have significant adverse impacts on individual citizens, families and the City as a whole; and

WHEREAS, the South Dakota legislature has not enacted a funding mechanism to support local government efforts to treat alcohol abuse, leaving only the general funds of cities and counties to support alcohol treatment programs; and

WHEREAS, the City of Rapid City supports the effort of the Pennington County Commission and others to place an initiated measure on the general election ballot to impose a ten cent per drink tax, the proceeds of which will be used to defray the expenses associated with alcohol abuse incurred by various units of government, including municipalities.

NOW THEREFORE, BE IT RESOLVED by the Rapid City Common Council that the City of Rapid City supports the efforts to place the ten cent per drink tax on the general election ballot by initiated measure.

Dated this 17th day of March, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

The motion for the adoption of the foregoing resolution was seconded. 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 Hadcock and seconded to approve (No. LF031208-02), a request from the Rapid City Girls Junior Olympic ASA Softball Organization that the City waive any costs involved with using the City's portable bleachers at Pete Lien Field for the 2008 USA Olympic Softball Game to be played on July 15, 2008, and to require the City of Rapid City to be named as an additional insured on the appropriate policy. Motion carried.

Motion was made by Hadcock and seconded to declare an emergency to repair Engine No. 3 for Station No. 3; and authorize the expenditure up to \$28,000 based on the informal quotes received from the following: Sheehan Mack Sales & Equipment - \$23,171.47 and Interstate - \$27,597.00. Staff recommended the award to Interstate because Sheehan Mack does not meet the requirements. Motion carried.

Motion was made by Okrepkie and seconded to open public comment on Items 50 - 71. Motion carried. Terry Ragels, Rapid City addressed item #54 (candidate for City Council), speaking of the threat of closure of Ellsworth Air Force Base; the active roll of local leaders and the community endorsement to remove the Base from the closure list; air quality concerns of the citizens; and concerns about the chemical treatments used in snow and icy conditions.

Motion was made by Weifenbach and seconded and to allow an additional three minutes for Terry Ragels to speak. Alderman Johnson indicated that he could not support this meeting being an open forum for someone to announce their candidacy for the City Council. Upon a roll call vote, the following voted AYE: LaCroix, Hadcock, Okrepkie, Weifenbach, Olson, Kroeger, and Kooiker; NO: Johnson, Hurlbut, and Chapman. Motion carried.

Ragels continued speaking of the downtown revitalization, suggesting the trolley system belongs downtown; suggesting the Council needs to be proactive rather than reactive during this water crisis; and his proposed 2010 plan that included paying garbage and sewer bills upfront and participation in the plan has rewards and benefits. Elmer Humphry, Piedmont, SD addressed items #60 and #60(A), Canyon Lake Dam repairs, indicating the dam is in poor condition and suggested the dam should be drained to remove the danger and to replace the dam structure. Bonnie Redden, Rapid City addressed item #70 (CC110507-03), asking the Council to apply all sign regulations to the Cabela's store; and deny all requests for variances. Motion was made by Chapman and seconded to closed public comment on items 50 - 71. Motion carried.

NON-CONSENT ITEMS – Items 50 - 71

ORDINANCES

Ordinance No. 5372 (No. 08OA002), Adding Antique Stores as Conditional Uses in the Neighborhood Commercial Zoning District by Amending Section 17.20.030 of the Rapid City Municipal Code was introduced. Motion was made by Hadcock and seconded that Ordinance No. 5372 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, April 7, 2008. Motion carried.

Ordinance No. 5375 (No. 08RZ004), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Boschee Engineering for Stoney Creek Development for a **Rezoning from Low Density Residential District to Office Commercial District** on Lots 1, 2 and 3 of Block 3 of Stoney Creek South Subdivision, located in the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 5610, 5624 and 5712 Bendt Drive was introduced. Motion was made by Hadcock and seconded that Ordinance No. 5375 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, April 7, 2008. Motion carried.

Ordinance No. 5371 (No. LF022708-08), Repealing Chapter 1.08 of the Rapid City Municipal Code Relating to Wards and Precincts and Adopting a New Revised Chapter 1.08 of the Rapid City Municipal Code having passed first reading on March 3, 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. 5371 was declared duly passed upon its second reading.

LEGAL & FINANCE COMMITTEE ITEMS

Motion was made by Hadcock and seconded to deny (No. LF022708-01), a request by Sonya Hogg to the City of Rapid City to consider removing or otherwise compromising special assessments levied against Tract AR2 of Ridge Park Estates. Applicant purchased the property at a Tax Deed Sale and there are significant assessments on the property. The assessments are for utility improvements and street extension project on West Saint Patrick Street. The assessment was \$37,895.72 and with interest and penalty the amount increased to \$64,991.16. Motion carried.

Motion was made by Hadcock and seconded to acknowledge a report from Terry Ragels, City employee and candidate for City Council. Motion carried.

Motion was made by Hadcock and seconded to refer (No. LF031208-07), a request for \$200,000 from the 2012 Fund to complete remodeling of the PETT (Ziegler) Building to the March 31, 2008 2012 Committee meeting. Motion carried.

Motion was made by Hadcock and seconded to approve with stipulations (No. LF022708-37), an Event Permit for Kirk Funeral Home for Senior Movie Day at the Elks Theater. Motion carried.

Motion was made by Hadcock and seconded to approve (No. LF121207-28A), a Resolution Directing that City Staff Convert the Current Ten Hour Parking Meters along Apolda Street to Two Hour Meters. Indication is that visitors to the downtown area and businesses in the downtown area believe that the two-hour parking limit is not sufficient. It was suggested that meters with more than a two-hour time limit and less than a ten-hour time limit be researched. Question was raised as to whether this proposal was forwarded to the Downtown Parking Committee, so that they may analyze how it would impact the businesses, the public, and the funding which pays for snow removal, street cleaning, striping, and additional parking. It was explained that this proposal comes forward from two business owners, Hooky Jacks and Fred Thurston, as part of a deal that allows Hooky Jacks to open prior to 4:00 p.m. It was also explained that the change in meters will cost an estimated \$29,000; and this change in the meters is contingent upon Fred Thurston signing an agreement relating to striping a parking lot on his property and the City's property. It was pointed out that this proposal is an interim solution in the interest in having a particular business open earlier. It was also explained that no analysis has been done on the revenue generated by two-hour or ten-hour parking meters; but it was believed that a two-hour meter could generate more revenue, in addition to the parking tickets issued for expired meters. It was suggested that discussions with the business owners include their participation in the cost of replacing the parking meters.

Substitute motion was made by Kroeger and seconded to continue the Resolution Directing that City Staff Convert the Current Ten Hour Parking Meters along Apolda Street to Two Hour Meters to the April 2, 2008 Legal and Finance Committee meeting. Friendly amendment was offered by Alderman Chapman to also include in the discussions with the business owners, discussion about striping the parking lots. Upon a vote being taken on the motion as amended, motion carried.

PUBLIC WORKS COMMITTEE ITEMS

Motion was made by LaCroix and seconded to approve (No. 08EX013), the recommendation of the Development, Appeals and Review Board (DARB) on the request by Merlin Stomer to consider an **exception to Allow Access to a Higher Order Street** on Lot B, Bar P-S Subdivision, Rapid City, South Dakota. (File No. 08PL007) This access is located north of Hwy 44 and 1,000 feet east of Airport Road. It is expected that this will be a shared access with a larger property. It was explained that after the Development, Appeals and Review Board (DARB) heard the request and acted to make a recommendation to the Council, the applicant withdrew the related Plat and Subdivision Variance request; but the exception to allow access to a higher order street was not withdrawn. It is the understanding of staff that the applicant

intends to buy the larger property so that they do not have to go through the platting process, which would remove the City's participation in the discussion about the approach permit. Action by the Council may be mute when the issue is fully resolved.

Substitute motion was made by Johnson and seconded to continue to the April 7, 2008 Council meeting. Motion carried.

Motion was made by LaCroix and second to (No. PW031108-16), authorize the Mayor and Finance Officer to sign a Release of Easement on Lot 4 of Block 10, Red Rocks Subdivision, located in the N1/2SW1/4 and the S1/2NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Motion carried.

The Mayor presented (No. PW031108-17), an Agreement for Professional Services for Canyon Lake Dam repairs. Motion was made by LaCroix and seconded to authorize the Mayor and Finance Officer to sign a Professional Services Agreement with HDR Engineering. This Professional Service Agreement addresses the immediate repairs to the dam and not the reconstruction of the dam. HDR Engineering was hired to review the existing reports, available information, and projects that have been undertaken from the time Canyon Lake Dam was constructed until recent times. HDR Engineering also conducted site visits in order to prepare their report. It was noted that the report is not an in-depth investigation and there were no geotechnical borings. The report did not go in-depth in terms of analyzing cost effective, long-term options. However, in the long-term, it may be better to replace the Canyon Lake Dam structure; and that would require draining the dam. There is no recommendation to drain Canyon Lake, but lower the level one or two feet so that the water will not go over the spillway. HDR Engineering recommended short-term and immediate repairs for the sink holes and the noticeable seepage on the face of the spillway and below the spillway -- the water that is going under and through the dam rather than over the dam. To address the upstream sink holes may require layers of material that would start with coarse gravel, sand, and a sand/bentonite mix. Lowering Canyon Lake will make certain that the materials being used to fill the sink holes and control the seepage will not be released into the creek.

For the long-term options, Request for Proposals will be sought for a dam reconstruction project. The Council was assured that the Consultant Selection Process will be followed for such a project. It was suggested the Council will need to weigh the pros and cons of draining Canyon Lake for a period of time that may be longer than one year, while a project is being designed. It was pointed out that the report for immediate repairs indicates that the dam could collapse; but it is difficult to say for certain when or if that will ever happen. There are also other competing factors -- the lake and park are tourist attractions and the community uses this park heavily in the summer. Also draining the lake is a problem because the lake is a sediment basin for the upstream water. If drained, there is a lot of pollution that will be released into the creek. There is also the issue of keeping the lake drained with the approaching spring and summer weather, when there is rain. There are no pumps big enough to manage the water that will flow during a rain event. There are also other interested agencies that will have discussion about whether to allow the City to drain the lake.

Substitute motion was made by Johnson and seconded to continue this item to the April 7, 2008 Council meeting to permit staff to bring forward more information on the immediate repairs and long-term options.

Second substitute motion was made by Kooiker to approve the Agreement for Professional Services with the amendment of including draining of the lake in the exploration. The chair ruled the motion out of order.

Second substitute motion was made by Kooiker and seconded to proceed with an Agreement for Professional Services to drain the lake. Segments of the report prepared by HDR Engineering were read aloud and support given to draining the lake and reconstructing the dam structure. Support was given to repairing the sink holes and the seepage and then soliciting requests for proposals, a design project, and construction of the project that addresses the dam structure. It was indicated that the main risks of the sink holes is that if water is traveling underneath the dam, it has the possibility of taking soil material with it and weakening the dam structure.

Motion was made by Olson and seconded to call the question. Motion carried.

Upon a vote being taken on the second substitute motion to drain the lake, motion failed with Kooiker voting AYE.

Second substitute motion was made by Hurlbut and seconded to continue this item to a special Council meeting for Tuesday, March 25, 2008 at 7:00 p.m. Motion carried.

Motion was made by LaCroix and second to continue the Advertising Authority for Canyon Lake Dam Repairs, Project No. PW08-1718 / CIP No. 50576 to the March 25, 2008 special Council meeting. Motion carried.

Motion was made by LaCroix and seconded to (No. LF031208-14), authorize staff to negotiate Professional Service Agreement for design of third level of the 6th Street parking ramp structure. The Council has acted to permit staff to solicit Requests for Proposal for bonding for the third level of the parking ramp, which will be paid back by the PLA Fund. Motion carried.

BIDS

The following companies submitted bids for the (No. CC031708-02), 1st Street and East Philadelphia Street Sewer Main Replacement Project No. SS05-1443 / CIP No. 50579 opened on March 11, 2008: Simon Contractors of SD, Inc., Hills Materials Company, Quinn Construction, Inc., Lind-Exco, Inc., Highmark, Inc., R.C.S. Construction, Inc., Mainline Contracting, Inc., Shovelhead Excavating, Inc., and J. Grubl Excavating. Staff reviewed the bids and recommends the bid award to Shovelhead Excavating, Inc. Motion was made by Okrepkie and seconded to approve the bid award for the 1st Street and East Philadelphia Street Sewer Main Replacement Project No. SS05-1443 to the lowest responsible bidder meeting specifications, Shovelhead Excavating, Inc., for the low unit prices bid for a total contract amount of \$149,890. Motion carried.

The following companies submitted bids for the (No. CC031708-02), Canyon Lake Drive Irrigation Project No. PR05-1515 opened on March 11, 2008: Sprinkler Guys, Inc., Deneke, Inc. dba Black Hills Landscape, and Rockingtree Landscape, Inc. Staff reviewed the bids and recommends the bid award to Sprinkler Guys. Motion was made by Okrepkie and seconded to approve the bid award for the Canyon Lake Drive Irrigation Project No. PR05-1515 to the lowest responsible bidder meeting specifications, Sprinkler Guys, Inc., for the low unit prices bid

for a total contract amount of \$158,815. Funding for this project is Parks & Recreation CIP and Government Buildings CIP and other sources. Upon a roll call vote, the following voted AYE: Hadcock, Hurlbut, Okrepkie, Chapman, Olson, Kooiker, LaCroix, and Johnson; NO: Weifenbach and Kroeger. Motion carried.

The following companies submitted bids for the (No. CC031708-02), Roosevelt Park Improvements Phase 3, Project No. PR07-1680 opened on March 11, 2008: R.C.S. Construction, Inc. Staff reviewed the bids and recommends the bid award be continued. Motion was made by Chapman and seconded to refer the bid award for the Roosevelt Park Improvements Phase 3, Project No. PR07-1680 to the April 1, 2008 Public Works Committee meeting. Motion carried.

The following companies submitted bids for the (No. CC031708-02), Downtown Alley Reconstruction 2008 Project No. ST08-1686 / CIP No. 50379 opened on March 11, 2008: Simon Contractors of SD, Inc., J & J Asphalt Company, and Hills Materials Company. Staff reviewed the bids and recommends the bid award to J & J Asphalt Company. Motion was made by Okrepkie and seconded to approve the bid award for the Downtown Alley Reconstruction 2008 Project No. ST08-1686 to the lowest responsible bidder meeting specifications, J & J Asphalt Company, for the low unit prices bid for a total contract amount of \$33,427.05. Motion carried.

The following companies submitted bids for the (No. CC031708-02), North Maple Avenue and East Disk Drive Intersection Reconstruction Project No. ST08-1700 / CIP No. 50702 opened on March 11, 2008: Tru-Form Construction, Inc., Quinn Construction, Inc., Heavy Constructors, Inc., Mainline Contracting, Inc., Hills Materials Company, Highmark, Inc., and Lind-Exco, Inc. Staff reviewed the bids and recommends the bid award to Heavy Constructors, Inc. Motion was made by Okrepkie and seconded to approve the bid award for the North Maple Avenue and East Disk Drive Intersection Reconstruction Project No. ST08-1700 to the lowest responsible bidder meeting specifications, Heavy Constructors, Inc., for the low unit prices bid for a total contract amount of \$712,755.34. Motion carried.

The following companies submitted bids for the (No. CC031708-02), Low Pressure Ultra Violet Lamps for Water Reclamation Division opened on March 11, 2008: Vessco, Inc. and UV Doctor Lamps. Staff reviewed the bids and recommends the bid award to UV Doctor Lamps. Motion was made by Okrepkie and seconded to approve the bid award for the Low Pressure Ultra Violet Lamps to the lowest responsible bidder meeting specifications, UV Doctor Lamps, for the low unit prices bid for a total contract amount of \$61,776.00. Motion carried.

The following companies submitted bids for the (No. CC031708-02), Utility Cut Portland Cement Replacement for Water / Water Reclamation Divisions opened on March 11, 2008: Brewer Construction and In Line Concrete. Staff reviewed the bids and recommends the bid award to Brewer Construction. Motion was made by Johnson and seconded to approve the bid award for the Utility Cut Portland Cement Replacement to the lowest responsible bidder meeting specifications, Brewer Construction, for the low unit prices bid for a total contract amount of \$126,220.00. Motion carried.

The following companies submitted bids for the (No. CC031708-02), One (1) New Current Year Model Compact 4-Wheel Drive Articulated Wheel Loader for Parks Department opened on March 13, 2008: RDO Equipment Company and Jenner Equipment Company. Staff reviewed

the bids and recommends the bid award to Jenner Equipment Company. Motion was made by Weifenbach and seconded to approve the bid award for the New Current Year Model Compact 4-Wheel Drive Articulated Wheel Loader to the lowest responsible bidder meeting specifications, Jenner Equipment Company, for the low unit prices bid for a total contract amount of \$49,400.00. Motion carried.

MAYOR'S ITEMS

Pap Madison Cabin, located in Halley Park has been designated by the National Park Service, U. S. Department of the Interior as an Individually Listed Property on the National Register of Historic Places.

COUNCIL ITEMS & LIAISON REPORTS

Motion was made by Hurlbut and seconded to schedule the 2012 Committee meeting on March 31, 2008 at 7:30 p.m. Motion carried.

At this time, 10:03 P.M. the Chair recessed the proceedings. At 10:10 P.M. the Chair reconvened the proceedings.

STAFF ITEMS

General Manager Brian Maliske and Assistant General Manager Jayne Kraemer of the Rushmore Plaza Civic Center gave an update on the facility expansion project.

The expansion project is located at the southeast corner of the present facility, has two dedicated loading docks, and a ramping system that is designed to carry equipment onto the ice floor. In viewing the area containing the suites, an area was outlined that the hockey team invested \$100,000 for more club seating. The club seating now totals 260 seats with the additional investment from the hockey team.

In viewing the floor plans for ice hockey and ice entertainment shows, it was indicated that 5,100 seats will be available, and an additional 156 seats are available in the twelve suites in the upper level. The floor plan for smaller shows will have 6,600 seats available. There will also be an additional 186 vendor booths available for use during such events as the BHHB Home Show. In the basic concert setup, the maximum seating is 7,200. The ice will be covered for protection, during setups for any show.

The expansion is built with a total of twelve suites and ten of the suites have been sold on a long-term basis. Two suites are held back and one suite will be rented on an event-by-event basis and the second suite is to be used as the City would need or deem fit. If the second suite is not needed, the suite will be rented on an event-by-event basis. Seven months before the opening of the facility, nine of the ten suites are sold exceeding the goal to have them rented eighteen months after the opening of the facility.

The annual lease for an eight-person suite is \$21,000; 12-person suite is \$31,000; 14-person suite is \$35,000; 16-person suite is \$39,000; and 20-person party suite is \$45,000. There is an occupancy code for all suites that will be followed. The annual lease of these suites does not include the price of a ticket to any event. The lessee of a suite is required to buy the tickets for

the hockey events; and, they are given first option to buy tickets for all other events. There is an eighteen percent commission to broker a sublease of a suite for a corporation not wanting the use of their suite for any event. Expected revenue of the nine suites is \$271,000, annually; when leased, the tenth suite will increase the revenue to \$302,000 annually.

Requests for Proposals and bids being sought include such items as dashers, glass, portable floors, concession equipment, lighting equipment, video equipment, scoreboard screens, floor coverings, and zambonie. These represent \$500,000 - \$700,000 of the facility's operating budget.

The newly expanded facility of the Rushmore Plaza Civic Center is expected to open December 1, 2008.

APPEALS - Sign Code Appeals

Motion was made by Hadcock and seconded to continue (No. CC110507-03), Notice of Appeal from the Requirements of the Rapid City Sign Ordinance, Chapter 15.28 by Cabela's Retail, Inc. for wall signs, joint identification sign, and ground monument sign on Lot 3, Forefather Flats Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3231 East Mall Drive to the April 7, 2008 Council meeting. Motion carried.

Motion was made by Hadcock and seconded to continue (No. CC110507-04), Notice of Appeal from the Requirements of the Rapid City Sign Ordinance, Chapter 15.28 by Rapid Center, LLC for joint identification sign on Lot 3, Starlite Subdivision, and a portion of the SW1/4 of Section 28, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota to the April 7, 2008 Council meeting. Motion carried.

PUBLIC HEARING ITEMS – Items 72 – 122

Motion was made by Chapman and seconded to open the public hearing on items 72 – 122. No comments were offered.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 72 - 108

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

Continue the following items until April 7, 2008:

72. 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.

73. No. 07CA062 - A request by Dream Design International, Inc. for Signature Homes, LLC for an **Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a minor arterial street** on Sections 18 and Section 19, T2N, R8E, BHM, Pennington County, South Dakota, located along proposed LaCrosse Street north of Seger Drive.
74. 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.
75. No. 07PL083 - A request by Mike Hanson for Tyz Thurston for a **Preliminary Plat** on Lots 13A and 13B of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 13 of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3825 Corral Drive.
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. 07PL116 - A request by Sperlich Consulting, Inc. for James Letner for a **Layout Plat** on Lots 1 thru 8 of Market Square Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Lot 3 of Tract D, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of Creek Drive and East St. Patrick Street.
78. 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.

79. No. 07PL141 - A request by Centerline, Inc. for Action Development, Inc. for a **Preliminary Plat** on Lots 1 and 8 of Anamosa Crossing Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Century Road and East North Street.
80. No. 07PL152 - A request by Sperlich Consulting for Ron Shape for a **Preliminary Plat** on Lots 1 through 6 of Block 1, Lots 1 through 8 of Block 2, Lots 1 through 8 of Block 3, Lots 1 through 8 of Block 4, Lot 1 of Block 5, Lot 1 of Block 6, and Lot 1 of Block 7, Homestead Subdivision, located in the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NE1/4 of Section 3, located in the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the eastern terminus of Homestead Street and west of Reservoir Road.
81. 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.
82. No. 07PL166 - A request by Oliver A. Freimark for a **Layout Plat** on Lot 1 of Spring Creek Estates Subdivision, located in a portion of the NE1/4 SE1/4, Section 3, T1S, R7E, BHM, Pennington County, South Dakota, legally described as a portion of the NE1/4 SE1/4, Section 3, T1S, R7E, BHM, Pennington County, South Dakota, located at 8686 South Highway 16.
83. No. 07PL178 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Todd Christoffer of First National Bank for a **Preliminary Plat** on Lots A and B of Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Elk Vale Road and Homestead Street.
84. No. 07PL180 - A request by Dream Design International for Signature Homes, LLC for a **Layout Plat** on Lots 1 thru 263 and Tracts A, B, D, E, F, G, H, I, J and K of Prairie Meadows Subdivision, located in Section 18, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Government Lot 4 less Right-of-way, the unplatted balance of the SE1/4 SW1/4, and the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Country Road, east of Cobalt Avenue and west of 143rd Street.

85. 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.
86. 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.
87. No. 07SV059 - A request by Centerline, Inc. for Action Development, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, water and sewer along East North Street and to reduce pavement width from 26 feet to 24 feet along A/R Boulevard and A/R Lane as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 8 of Anamosa Crossing Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Century Road and East North Street.
88. No. 07SV070 - A request by Sperlich Consulting, Inc. for James Letner for a **Variance to the Subdivision Regulations to waive the requirement to dedicate ten additional feet of right-of-way along East St. Patrick Street; to waive the requirement to dedicate seventeen additional feet of right-of-way along Creek Drive adjacent to proposed Lot 8; to install additional pavement, curb, gutter, sidewalk and street light conduit along Creek Drive; to install sidewalk along the south side of East St. Charles Street; and, to provide a planting screen easement along East St. Patrick**

Street and Creek Drive on Lots 1 thru 8 of Market Square Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Lot 3 of Tract D located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1624 East St. Patrick Street.

89. No. 07SV073 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Todd Christoffer of First National Bank for a **Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet within the shared access easement; and to reduce the shared access easement from 59 feet to 30 feet; to waive the requirement to install sidewalk, street light conduit, sewer, water within the shared access easement; to waive the requirement to install sidewalks, curb, gutter along Elk Vale Road; to waive the requirement to install sidewalks along Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Elk Vale Road and Homestead Street.
90. No. 07VR005 - A request by Dream Design International, Inc. for a **Vacation of Right-of-way** on the portion of the unplatted balance lying between Lancer Drive and Elk Vale Road of the SE1/4 less Lot H1, less Lots H3 and H4 of the W1/2 SE1/4 and less Lots H3, H4 and H5 of the E1/2 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Lancer Drive and Elk Vale Road.
91. No. 08AN002 - A request by Craig and Tamara Mested for a **Petition for Annexation** on 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.
92. No. 08CA001 - A request by Dream Design International, Inc. for Signature Homes, LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential District with a Planned Residential Development to Medium Density Residential District with a Planned Residential Development** on a portion of Government Lot 4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning. Thence, first course: N00°07'57"E, a distance of 607.71 feet, Thence, second course: S89°45'23"E, a distance of 348.37 feet; Thence, third course: S45°18'29"E, a distance of 148.27 feet; Thence, fourth course: S41°57'10"E, a distance of 97.30 feet; Thence, fifth course: S60°00'17"E, a distance of 82.33 feet; Thence, sixth course: S74°07'50"E, a distance of 100.83 feet; Thence, seventh course: S89°41'41"E, a distance of 89.82 feet; Thence, eighth course: N85°07'42"E, a distance of 72.62 feet; Thence, ninth course: N74°29'46"E, a distance of 101.06 feet; Thence, tenth course: N56°32'29"E, a distance of 93.59 feet; Thence, eleventh course: S59°22'45"E, a distance of 105.77 feet; Thence, twelfth course: S89°45'23"E, a distance of 54.68 feet; Thence, thirteenth course: S00°14'37"W, a distance of 117.37 feet; Thence, fourteenth course: S89°45'23"E, a distance of 100.00 feet; Thence, fifteenth course: S00°14'37"W, a distance of 40.61 feet;

Thence, sixteenth course: S89°37'07"E, a distance of 20.52 feet, to the northwesterly corner of Lot 1 of Mailloux Subdivision in Lot B in the SE ¼ of the SW ¼ of Section 18, T2N, R8E, BHM; Thence, seventeenth course: S00°23'45"W, along the westerly boundary of said Lot 1, a distance of 208.56 feet, to the southwesterly corner of said Lot 1; Thence, eighteenth course: S00°23'45"W, a distance of 33.00 feet, to a point on the section line common to Sections 18, and 19; Thence, nineteenth course: N89°35'54"W, along the section line common to Sections 18, and 19, a distance of 1290.05 feet, to the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning, located north of Country Road, east of Cobalt Avenue and west of 143rd Street.

93. No. 08CA002 - A request by Dream Design International, Inc. for Signature Homes, LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential with a Planned Residential Development** on a portion of the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 17, 18, 19, and 20, Thence N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 333.22 feet, to the point of beginning; Thence, first course: N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 1678.81 feet; Thence, second course: N00°22'46"E, a distance of 33.00 feet, to the southeasterly corner of Lot A of the SW1/4 of the SE1/4 of Section 18, T2N, R8E, BHM; Thence, third course: N00°25'46"E, along the easterly boundary of said Lot A, a distance of 208.20 feet, to the northeasterly corner of said Lot A; Thence, fourth course: S89°34'30"E, a distance of 199.01 feet; Thence, fifth course: N00°14'37"E, a distance of 610.83 feet; Thence, sixth course: S89°45'23"E, a distance of 234.88 feet; Thence, seventh course: S39°45'06"E, a distance of 91.40 feet; Thence, eighth course: S74°45'23"E, a distance of 71.54 feet; Thence, ninth course: N50°14'54"E, a distance of 78.96 feet; Thence, tenth course: S39°45'06"E, a distance of 14.60 feet; Thence, eleventh course: curving to the right, on a curve with a radius of 224.00 feet, a delta angle of 23°40'06", a length of 92.53 feet, a chord bearing of S27°55'03"E, and chord distance of 91.88 feet; Thence, twelfth course: N73°55'00"E, a distance of 208.37 feet; Thence, thirteenth course: N39°45'06"W, a distance of 712.01 feet, to a point on the section 1/16th line; Thence, fourteenth course: S89°33'44"E, along the section 1/16th line, a distance of 1256.40 feet; Thence, fifteenth course: S00°02'35"W, a distance of 975.25 feet, to the northwesterly corner of Lot 1 of North Haines Subdivision; Thence, sixteenth course: S00°02'34"W, along the westerly boundary of said Lot 1, a distance of 299.94 feet, to the southwesterly corner of said Lot 1; Thence, seventeenth course: S00°22'46"W, a distance of 50.01 feet, to a point on the section line common to Sections 18 and 19 and the point of beginning, located north of Country Road, east of Cobalt Avenue and west of 143rd.
94. No. 08PL007 - A request by Davis Engineering, Inc. for Merlin Stromer for a **Preliminary Plat** on Lots B1 and B2 of Bar P-S Subdivision, located in the SW1/4 Section 20, T1N, R9E, and the N1/2 of the NW1/4, Section 29, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot B of Bar P-S Subdivision, located in the SW1/4 Section 20, T1N, R9E, and the N1/2 of the NW1/4, Section 29, T1N, R9E, BHM, Pennington County, South Dakota, located at the northeast corner of the intersection of S.D. Highway 44 and Airport Road.

95. No. 08PL011 - A request by FMG, Inc. for TLC Investments, Inc. for a **Preliminary Plat** on Lots 1 and 2 of TLC Subdivision and the dedicated public Right-of-way shown as Less Hollers Way all located in the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of the SE1/4 NE1/4 of Section 27, T1N, R7E, BHM, less Connector Subdivision and less Lot H1, located in the NE1/4 Section 27, T1N, R7E, BHM, located west of S. D. Highway 16 and south of Catron Boulevard.
96. No. 08PL012 - A request by Craig and Tamara Mested for a **Layout Plat** 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.
97. No. 08PL014 - A request by FourFront Design, Inc. for Skyline Pines East, LLP for a **Preliminary Plat** on Lots 1 thru 8 of Skyline Pines East Subdivision, located in the SE1/4 of the SE1/4 and the SW1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of the SE1/4 of the SE1/4 and Lot C of the SW1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Tower Road and west of Mount Rushmore Road.
98. No. 08PL015 - A request by Sperlich Consulting, Inc. for Black Hills Surgery Center, LLP for a **Preliminary Plat** on Lot 32R-2 of Block 18 of Robbinsdale Addition No. 10, located in the SE1/4 of the NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 32R and 33R of Block 18 of Robbinsdale Addition No. 10, located in the SE1/4 of the NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 216 Anamaria Drive.
99. No. 08PL016 - A request by Renner & Associates for Pete Lien and Sons for a **Preliminary Plat** on Lots 1 thru 2 of Keller Subdivision and Tract 1 of Schaeferville Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of the NE1/4; Lot 1 of Limestone Tunnel Subdivision; Lot B of the NW1/4 of the NE1/4; Lots 1 thru 3 of Block 1 and vacated Feist Road of Feist Addition; Lots 1 thru 4 of Lot 1 of the NE1/4 of the NE1/4; Lot A, Lots 1 thru 6 of Lot B, and a Subdivision of Lot1C; Lot X and Y, a Subdivision of Lot 1D: Lots A, B, and C of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located west of Universal Drive and Sturgis Road.
100. No. 08PL017 - A request by Davis Engineering for a **Preliminary Plat** on Lots 3 thru 10 and Lot 12 of Block 6 of Murphy Ranch Estates Subdivision, located in the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the unplatted portion of Tract F of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located on Flintlock Court east of Reservoir Road and south of Longview Road.

101. No. 08PL020 - A request by Sperlich Consulting, Inc. for Doeck, LLC for a **Preliminary Plat** on Lots 12 thru 13 of Block 4, Lots 1 thru 21 and Lots 33 thru 38 of Block 8, Lots 1 thru 5 of Block 9, Lots 1 thru 20 of Block 10, and Lot 1 of Block 11, Auburn Hills Subdivision, Sections 13 and 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4, Section 13, a portion of the SW1/4 of the NW1/4, Section 13, a portion of the SE1/4 of the NE1/4, Section 14, and a portion of the NE1/4 of the SE1/4 Section 14, located in the NW1/4 of the SW1/4, and the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, the SE1/4 of the NE1/4 and the NE1/4 of the SE1/4, Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the western terminus of Cobalt Drive and north of Auburn Drive and Charmwood Drive.
102. No. 08RZ002 - Second Reading, Ordinance No. 5367, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for Signature Homes, LLC for a **Rezoning from Low Density Residential to Medium Density Residential** on a portion of Government Lot 4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning. Thence, first course: N00°07'57"E, a distance of 607.71 feet, Thence, second course: S89°45'23"E, a distance of 348.37 feet; Thence, third course: S45°18'29"E, a distance of 148.27 feet; Thence, fourth course: S41°57'10"E, a distance of 97.30 feet; Thence, fifth course: S60°00'17"E, a distance of 82.33 feet; Thence, sixth course: S74°07'50"E, a distance of 100.83 feet; Thence, seventh course: S89°41'41"E, a distance of 89.82 feet; Thence, eighth course: N85°07'42"E, a distance of 72.62 feet; Thence, ninth course: N74°29'46"E, a distance of 101.06 feet; Thence, tenth course: N56°32'29"E, a distance of 93.59 feet; Thence, eleventh course: S59°22'45"E, a distance of 105.77 feet; Thence, twelfth course: S89°45'23"E, a distance of 54.68 feet; Thence, thirteenth course: S00°14'37"W, a distance of 117.37 feet; Thence, fourteenth course: S89°45'23"E, a distance of 100.00 feet; Thence, fifteenth course: S00°14'37"W, a distance of 40.61 feet; Thence, sixteenth course: S89°37'07"E, a distance of 20.52 feet, to the northwesterly corner of Lot 1 of Mailloux Subdivision in Lot B in the SE ¼ of the SW ¼ of Section 18, T2N, R8E, BHM; Thence, seventeenth course: S00°23'45"W, along the westerly boundary of said Lot 1, a distance of 208.56 feet, to the southwesterly corner of said Lot 1; Thence, eighteenth course: S00°23'45"W, a distance of 33.00 feet, to a point on the section line common to Sections 18, and 19; Thence, nineteenth course: N89°35'54"W, along the section line common to Sections 18, and 19, a distance of 1290.05 feet, to the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning, located north of Country Road, east of Cobalt Avenue and west of 143rd Street.
103. No. 08RZ003 - Second Reading, Ordinance No. 5368, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for Signature Homes, LLC for a **Rezoning from Low Density Residential to Medium Density Residential** on a portion of the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 17, 18, 19, and 20, Thence N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 333.22 feet, to the point of beginning; Thence, first course: N89°37'14"W, along the section line common to Sections

18 and 19, a distance of 1678.81 feet; Thence, second course: N00°22'46"E, a distance of 33.00 feet, to the southeasterly corner of Lot A of the SW1/4 of the SE1/4 of Section 18, T2N, R8E, BHM; Thence, third course: N00°25'46"E, along the easterly boundary of said Lot A, a distance of 208.20 feet, to the northeasterly corner of said Lot A; Thence, fourth course: S89°34'30"E, a distance of 199.01 feet; Thence, fifth course: N00°14'37"E, a distance of 610.83 feet; Thence, sixth course: S89°45'23"E, a distance of 234.88 feet; Thence, seventh course: S39°45'06"E, a distance of 91.40 feet; Thence, eighth course: S74°45'23"E, a distance of 71.54 feet; Thence, ninth course: N50°14'54"E, a distance of 78.96 feet; Thence, tenth course: S39°45'06"E, a distance of 14.60 feet; Thence, eleventh course: curving to the right, on a curve with a radius of 224.00 feet, a delta angle of 23°40'06", a length of 92.53 feet, a chord bearing of S27°55'03"E, and chord distance of 91.88 feet; Thence, twelfth course: N73°55'00"E, a distance of 208.37 feet; Thence, thirteenth course: N39°45'06"W, a distance of 712.01 feet, to a point on the section 1/16th line; Thence, fourteenth course: S89°33'44"E, along the section 1/16th line, a distance of 1256.40 feet; Thence, fifteenth course: S00°02'35"W, a distance of 975.25 feet, to the northwesterly corner of Lot 1 of North Haines Subdivision; Thence, sixteenth course: S00°02'34"W, along the westerly boundary of said Lot 1, a distance of 299.94 feet, to the southwesterly corner of said Lot 1; Thence, seventeenth course: S00°22'46"W, a distance of 50.01 feet, to a point on the section line common to Sections 18 and 19 and the point of beginning, located north of Country Road, east of Cobalt Avenue and west of 143rd.

104. No. 08SV003 - A request by Davis Engineering, Inc. for Merlin Stromer 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 B1 and B2 of Bar P-S Subdivision, located in the SW1/4 Section 20, T1N, R9E, and the N1/2 of the NW1/4, Section 29, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot B of Bar P-S Subdivision, located in the SW1/4 Section 20, T1N, R9E, and the N1/2 of the NW1/4, Section 29, T1N, R9E, BHM, Pennington County, South Dakota, located at the northeast corner of the intersection of S.D. Highway 44 and Airport Road.
105. No. 08SV006 - A request by FMG, Inc. for TLC Investments, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Catron Boulevard, to waive the requirement to install curb, gutter, sidewalk, water and street light conduit along S.D. Highway 16 Service Road and a variance to waive the requirement to provide sewer service to the property as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of TLC Subdivision and the dedicated public Right-of-way shown as Less Hollers Way all located in the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of the SE1/4 NE1/4 of Section 27, T1N, R7E, BHM, less Connector Subdivision and less Lot H1, located in the NE1/4 Section 27, T1N, R7E, BHM,, located west of S. D. Highway 16 and south of Catron Boulevard.
106. 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.

107. No. 08SV010 - A request by Renner & Associates for Pete Lien and Sons for a **Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and to waive the requirement to dedicate additional Right-of-way and pavement along Sturgis Road and the Section Line Right-of-way, Neiger Court, Zenker Place and in the access easements as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Keller Subdivision and Tract 1 of Schaeferville Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of the NE1/4; Lot 1 of Limestone Tunnel Subdivision; Lot B of the NW1/4 of the NE1/4; Lots 1 thru 3 of Block 1 and vacated Feist Road of Feist Addition; Lots 1 thru 4 of Lot 1 of the NE1/4 of the NE1/4; Lot A, Lots 1 thru 6 of Lot B, and a Subdivision of Lot1C; Lot X and Y, a Subdivision of Lot 1D: Lots A, B, and C of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located west of Universal Drive and Sturgis Road.

Continue the following items until April 21, 2008:

108. No. 05VR014 - A request by Sperlich Consulting, Inc. for Doeck, LLC for a **Vacation of Section Line Highway** on that portion of the statutory Section Line Right-of-Way lying in the NE1/4, SE1/4, Section 13, T2N, R7E, and that portion of the statutory Section Line Right-of-Way, lying in Tract 5, Sletten Addition, located in the NW1/4, SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the north to east curve of West Nike Road.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Olson and seconded to close the public hearing on items 72 – 122. Motion carried.

CONSENT PUBLIC HEARING ITEMS – Item 109 - 116

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

ALCOHOL LICENSES

110. **Rapid City Fine Arts Center, Inc.** for a Special Event Beer and Wine License for an event scheduled April 4, 2008 at the Dahl Arts Center, 713 7th Street
111. **Rapid City Area Chamber of Commerce** for a Special Event Beer and Wine License for an event scheduled April 8, 2008 at the Rapid City Public Library, 610 Quincy Street
112. Leading Edge Management, LLC dba **Buffalo Wings and Rings**, 5622 Sheridan Lake Road for a Retail (On-Off Sale) Wine License

113. Nash Finch Company dba **Family Thrift Center #254**, 855 Omaha Street for a Package (Off-Sale) Liquor License TRANSFER from Albertsons, Inc. dba Albertsons Food Center #845, 855 Omaha Street
114. Nash Finch Company dba **Family Thrift Center #254**, 855 Omaha Street for a Package (Off-Sale) Malt Beverage License TRANSFER from Albertsons, Inc. dba Albertsons Food Center #845, 855 Omaha Street
115. Bosselman, Inc. of South Dakota dba **Bosselman Travel Center**, 2783 Deadwood Avenue for a Retail (On-Off Sale) Malt Beverage License with Video Lottery TRANSFER from I-90 Fuel Services, Inc. dba Windmill Truck Stop, 2783 Deadwood Avenue

OTHER ITEMS REQUIRING PUBLIC HEARINGS

116. No. LF022708-20 – Intent to Enter into Extended Lease of Land with Presbyterian Retirement Village of Rapid City, Inc. Pursuant to SDCL 9-12-5.2 (***continue hearing to April 7, 2008 Council meeting***)

END OF CONSENT PUBLIC HEARING CALENDAR

Motion was made by Hadcock and seconded to continue Laural A. Hawkins dba **RAXX Billiards**, 2310 N. Maple Avenue for a Retail (On-Off Sale) Malt Beverage License NO Video Lottery to the April 7, 2008 Council meeting. Motion carried.

NON-CONSENT PUBLIC HEARING ITEMS – Items 117 – 122

The Mayor presented (No. 08FV002), a request by Benjamin Christensen to consider an application for a **Fence Height Exception** to allow a six foot high fence in the front yard setback, located at 519 Indiana Street; and request Code Enforcement to inspect the properties in the neighborhood of 519 Indiana Street for noncompliant fences. Motion was made by LaCroix and seconded to deny a Fence Height Exception; and request Code Enforcement to inspect area properties. Motion carried.

The Mayor presented (No. 08FV003), a request by Kadrmas, Lee & Jackson, Inc. for Premier Aviation, LLC to consider an application for a **Fence Height Exception** to allow eleven feet high fence with barbed wire strand, located at the Rapid City Regional Airport. Motion was made by LaCroix and seconded to approve the Fence Height Exception. Motion carried.

Motion was made by LaCroix and seconded to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of additional pavement along Patton Street and of sidewalk along Midway Street as they abut all of Block 24 of Mahoney Addition, less the west 25 feet, less the south eight and one half feet and the east eight and one half feet, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1509 Midway. (08SV001) Motion carried.

The Mayor presented (No. 08SV001), a request by Black Hills Surveying for Duane Hosek for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk and reduce the pavement width from 27 feet to 24 feet and to dedicate additional Right-of-Way along Midway Street; and a Variance to the Subdivision Regulations to waive the requirement to install sidewalk and to reduce the pavement width from 27 feet to 24 feet and to dedicate additional Right-of-way along Patton Street as per Chapter 16 of the**

Rapid City Municipal Code on Lots 1 and 2 of Hosek Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as all of Block 24 of Mahoney Addition, less the west 25 feet, less the south eight and one half feet and the east eight and one half feet, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1509 Midway. Motion was made by LaCroix and seconded that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and reduce the pavement width from 27 feet to 24 feet along Midway Street be denied; that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install sidewalk along Patton Street be denied; that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Midway Street be approved with the following stipulations: 1. Sidewalk shall be provided along one side only of Midway Street; 2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements ; and, that the Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 24 feet along Patton Street be approved with the following stipulations: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements. Motion carried.

The Mayor presented (No. 08SV008), a request by Fisk Land Surveying & Consulting Engineers for Hewey Clemmons for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer in the easement and East Highway 44 and to allow asphalt millings in lieu of asphalt paving and to reduce the width from 24 feet to 20 feet for the private access easement** on Lots A, B and C of Clemmons Addition, located in the S1/2 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the balance of Lot 3 of the S1/2 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet; thence, N63°41'40"W a distance of 205.00 feet; thence, N84°39'26"W a distance of 270.00 feet; thence, N33°30'20"W a distance of 84.00 feet; thence, N00°00'00"W a distance of 796.70 feet; thence, N57°23'22"W a distance of 117.40 feet; thence, N03°48'46"E a distance of 95.00 feet; thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining railroad right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'30", an arc length of 442.52 feet, and a chord bearing and distance of S62°19'40"E 442.42 feet; thence, continuing southeasterly along the southerly edge of the adjoining railroad right-of-way, S64°28'27"E a distance of 72.21 feet more or less, to the point of beginning, located south of East S.D. Highway 44 and Apple Tree Road. Motion was made by LaCroix and seconded to deny without prejudice. Motion carried.

The Mayor presented (No. 08SV009), a request by FourFront Design, Inc. for Skyline Pines East, LLP for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Mount Rushmore Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 8 of Skyline Pines East Subdivision, located in the SE1/4 of the SE1/4 and the SW1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of the SE1/4 of the SE1/4 and Lot C of the SW1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid

City, Pennington County, South Dakota, located south of Tower Road and west of Mount Rushmore Road. Motion was made by LaCroix and seconded to acknowledge the applicant's withdrawal of the application. Motion carried.

EXECUTIVE SESSION permitted by SDCL 1-25-2

Motion was made by Okrepkie and seconded to go into Executive Session at 10:48 P.M. for the reasons permitted by SDCL 1-25-2. Motion carried. The Council came out of Executive Session at 11:07 P.M. with all members present.

STAFF DIRECTION

Motion was made by Johnson and seconded to deny the request from Attorney, Scott Sumner, to waive a conflict of interest. Motion carried with Alderman LaCroix abstaining.

At this time, Council President Chapman assumed the Chair and continued the proceedings.

Motion was made by LaCroix and seconded to authorize the City Attorney to enter into a stipulation for dismissal with Colonial Motel; and authorize the issuance of a Treasurer's Check in the amount of \$259,344.74, funding source to be Capital Improvements Program (CIP). Motion carried.

At this time, Mayor Hanks assumed the Chair and continued the proceedings.

BILLS

The following bills having been audited, motion was made by Chapman and seconded to authorize the Finance Officer to issue warrants or treasurer's checks, drawn on the proper funds, in payment thereof; and issue a treasurer's check Bangs, McCullen, and Colonial Motel, LLC. Motion carried.

Payroll Paid Ending 3-1-08, Paid 3-7-08	806,982.29
Payroll Paid Ending 3-1-08, Paid 3-7-08	196,253.87
Pioneer Bank, Taxes Paid 3-7-08	2969.60
Pioneer Bank, Taxes Paid 3-7-08	214.91
First Administrators, claims paid 3-4-08	135,813.71
First Administrators, claims paid 3-11-08	41,505.87
Berkley Risk Administrators, claims paid 3-7-08	50,377.37
Black Hills Electric Coop, electricity	686.38
Montana Dakota Utilities, gas	10,554.95
West River Electric, electricity	26,285.25
United States Postmaster, postage	1,800.00
Computer Bill List	<u>2,713,009.72</u>
Subtotal	\$3,986,453.92
Payroll Paid Ending 3-1-08, Paid 3-7-08	2,841.05
Pioneer Bank, Taxes Paid 3-7-08	199.15
City of Rapid City, postage	195.24
City of Rapid City, health insurance	1,294.50

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Knology, phone	31.89
Standard Life, life insurance	7.00
Wright Express, gas	<u>129.08</u>
Subtotal	\$3,991,124.83
Bangs, McCullen, and Colonial Motel, LLC	<u>259,344.74</u>
Total	\$4,250,469.57

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 11:10 P.M.

CITY OF RAPID CITY

ATTEST:

Finance Office

(SEAL)

Mayor