

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

November 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, November 17, 2008 at 7:00 P.M.

The following members were present: Mayor Alan Hanks and the following Alderpersons: Sam Kooiker, Karen Olson, Ron Kroeger, Deb Hadcock, Lloyd LaCroix, Patti Martinson, Ron Weifenbach, Bill Okrepkie, and Malcom Chapman; 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, Public Works Director Robert Ellis, Fire Chief Mark Rohlfing, Police Chief Steve Allender, Parks and Recreation Director Jerry Cole, Community Resource Director Kevin Thom and Administrative Secretary Heidi Weaver.

ADOPTION OF AGENDA

The following items were added to the agenda:

- Report on National League of Cities by Lloyd LaCroix and Deb Hadcock
- Hanging of Holiday Lights throughout the City of Rapid City and Halley Park
- Discussion on Deer Harvest

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

APPROVE MINUTES

Motion was made by LaCroix, seconded and carried to approve the minutes for November 3, 2008 and special Council for November 7, 2008.

AWARDS AND RECOGNITIONS

The Mayor presented a Certificate of Recognition to Tim Foster and acknowledged his years of dedicated service to the Rapid City community.

A Project Citation Award for Park Design for Rapid City Dirt Jump Park and Organization Citation Award for Rapid City Junior Olympic Amateur Softball Association (RCGJOASA) were received from the South Dakota Park and Recreation Association.

GENERAL PUBLIC COMMENT

Del Harbaugh resident of Countryside North addressed the Council. He has concerns about the letter he received regarding pumping and inspecting of his septic tank every three years. He doesn't feel the amount of money or the timeframe is reasonable. The Mayor directed Public Works Director Ellis to follow up with Harbaugh.

NON-PUBLIC HEARING ITEMS -- Items 5 - 148

Motion was made by Olson, seconded and carried to open public comment on Items 5 – 132. No comments were offered. Motion was made by Hadcock, seconded and carried to close public comment on Items 5 – 132.

CONSENT ITEMS – Items 5 - 132

The following items were removed from the Consent Items:

- 120. Acknowledge the report from Pat McElgunn regarding the Theodore Roosevelt Expressway
- 129. No. LF111208-08 – Approve preliminary Fiscal Year 2009 Community Development Block Grant recommended allocations

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

Alcoholic Beverage License Applications Set for Hearing (December 1, 2008)

- 5. Youth & Family Services, Inc. dba Youth & Family Services, 120 East Adams Street for a special Beer and Wine License for an event scheduled January 16 and 17, 2009

Retail (On-Sale) Liquor License Renewal for 2009

- 6. Cortez LLC DBA Alex Johnson Hotel, 523 Sixth Street for a Retail (On-Sale) Liquor License and Sunday Opening
- 7. American Legion Home Association DBA American Legion, 818 E. St. Patrick for a Retail (On-Sale) Liquor License and Sunday Opening
- 8. Porter Apple Company, Inc. DBA Applebee's Neighborhood Grill & Bar, 2160 Haines Avenue for a Retail (On-Sale) Liquor License and Sunday Opening
- 9. Blue Lantern Lounge, Inc. DBA Blue Lantern Lounge, 1200 E. St. Patrick Street for a Retail (On-Sale) Liquor License and Sunday Opening
- 10. RC Boston Company, LLC DBA Boston's Restaurant & Sports Bar, 620 E. Disk Drive for a Retail (On-Sale) Liquor License and Sunday Opening
- 11. Karen J. Schumacher DBA Brass Rail, 624 St. Joe Street for a Retail (On-Sale) Liquor License and Sunday Opening
- 12. Harbry Enterprises, Inc. DBA Buck 'N Gator Lounge, 4095 Sturgis Road for a Retail (On-Sale) Liquor License and Sunday Opening
- 13. Derby Advertising, Inc. DBA Canyon Lake Chophouse, 2720 Chapel Lane for a Retail (On-Sale) Liquor License and Sunday Opening
- 14. Century Motels, Inc. DBA Howard Johnson, 950 North Street for a Retail (On-Sale) Liquor License (NO SUNDAY SALE)
- 15. The Retired Enlisted Association DBA Chapter #29, 1981 Centre Street for a Retail (On-Sale) Liquor License and Sunday Opening
- 16. Retsel Corporation DBA Cheers/Ramada Inn, 1721 LaCrosse Street for a Retail (On-Sale) Liquor License and Sunday Opening
- 17. ERJ Dining IV LLC DBA Chili's Grill & Bar, 2125 N. Haines Avenue for a Retail (On-Sale) Liquor License and Sunday Opening
- 18. M G Oil Company DBA Clock Tower Lounge, 2525 West Main Street for a Retail (On-Sale) Liquor License and Sunday Opening
- 19. Colonial House, Inc. DBA Colonial House, 2501 Mt. Rushmore Road for a Retail (On-Sale) Liquor License and Sunday Opening
- 20. Martom Management, Inc. DBA Days Inn Lounge, 725 Jackson Boulevard for a Retail (On-Sale) Liquor License and Sunday Opening

21. Dealer Exchange, Inc. DBA Kaktus Kim's, Rushmore Mall, 2200 N. Maple for a Retail (On-Sale) Liquor License and Sunday Opening
22. Rapid City Elks Club DBA Elks Lodge #1187, 3333 E. 39th Street for a Retail (On-Sale) Liquor License and Sunday Opening
23. Fat Boys, Inc. DBA Firehouse Brewing Company, 610 Main Street for a Retail (On-Sale) Liquor License and Sunday Opening
24. Michael O. Wieseler DBA Horseshoe Bar, 1407 ½ E. North Street for a Retail (On-Sale) Liquor License and Sunday Opening
25. Kurylas, Inc. DBA Imperial Inn, 100 St. Joseph Street for a Retail (On-Sale) Liquor License and Sunday Opening
26. Fresch, Inc. DBA Joe's Place, 4302 S. Highway 79 for a Retail (On-Sale) Liquor License and Sunday Opening
27. Kelly's Sports Lounge II, Inc. DBA Kelly's Sports Lounge, 318 – 320 East Boulevard for a Retail (On-Sale) Liquor License and Sunday Opening
28. Kelly's Sports Lounge, Inc. DBA Kelly's Sports Lounge, 825 Jackson Boulevard for a Retail (On-Sale) Liquor License and Sunday Opening
29. Hungry's Restaurants, Inc. DBA Marlin's Roadhouse Grill, 2803 Deadwood Avenue for a Retail (On-Sale) Liquor License and Sunday Opening
30. Meadowood Lounge, Inc. DBA Meadowood Lounge, 3809 Sturgis Road for a Retail (On-Sale) Liquor License and Sunday Opening
31. WR Rapid City Ventures, LP DBA Minerva's Restaurant & Bar, 2211 N. LaCrosse Street for a Retail (On-Sale) Liquor License and Sunday Opening
32. Loyal Order of Moose DBA Moose, 841 St. Patrick Street for a Retail (On-Sale) Liquor License and Sunday Opening
33. George Motor & Supply Company DBA Murphy's Bar, 510 Ninth Street for a Retail (On-Sale) Liquor License and Sunday Opening
34. Oasis Lounge, Inc. DBA Oasis Lounge, 711 Main Street for a Retail (On-Sale) Liquor License (NO SUNDAY SALE)
35. GMRI, Inc. DBA Olive Garden Italian Restaurant, 160 Disk Drive for a Retail (On-Sale) Liquor License and Sunday Opening
36. Outback Midwest II, LP DBA Outback Steakhouse, 665 E. Disk Drive for a Retail (On-Sale) Liquor License and Sunday Opening
37. Phatty McGees, Inc. DBA Phatty McGees, 321 Seventh Street for a Retail (On-Sale) Liquor License and Sunday Opening
38. Beshara Enterprises, Inc. DBA Pirate's Table, 3550 Sturgis Road for a Retail (On-Sale) Liquor License and Sunday Opening
39. Viper, LLC DBA Quality Inn, 1902 LaCrosse Street for a Retail (On-Sale) Liquor License and Sunday Opening
40. Shiba Investments, Inc. DBA Radisson, 445 Mt. Rushmore Road for a Retail (On-Sale) Liquor License and Sunday Opening
41. Fraternal Order of Eagles DBA Rapid City Aerie #3555, 410 Centre Street for a Retail (On-Sale) Liquor License and Sunday Opening
42. GMRI, Inc. DBA Red Lobster Restaurant, 120 Disk Drive for a Retail (On-Sale) Liquor License and Sunday Opening
43. Entertainment, Inc. DBA Robbinsdale Lounge, 803 E. St. Patrick Street for a Retail (On-Sale) Liquor License and Sunday Opening
44. Fox Family Enterprises, Inc. DBA Rodeway Inn, 2208 Mt. Rushmore Road for a Retail (On-Sale) Liquor License and Sunday Opening
45. Rushmore Cuisine, Inc. DBA Ruby Tuesday, 2709 Mt. Rushmore Road for a Retail (On-Sale) Liquor License and Sunday Opening
46. Steven C. Lester LLC DBA Rushmore Plaza Holiday Inn, 505 N. Fifth Street for a Retail (On-Sale) Liquor License and Sunday Opening

47. VFW DBA Rushmore Post 1273, 420 Main Street for a Retail (On-Sale) Liquor License and Sunday Opening
48. Sanford's Grub & Pub SD, Inc. DBA Sanford's Grub & Pub, 306 Seventh Street for a Retail (On-Sale) Liquor License and Sunday Opening
49. Shooters, Inc. DBA Shooters, 2424 West Main Street for a Retail (On-Sale) Liquor License and Sunday Opening
50. A.J., Inc. DBA Shotgun Willie's, 2808 West Main for a Retail (On-Sale) Liquor License and Sunday Opening
51. Sioux Restaurants, LLC DBA TGI Fridays, 2205 N. LaCrosse Street for a Retail (On-Sale) Liquor License and Sunday Opening
52. Lester & Webb Enterprises, LLC DBA South City Tavern & Grille, 640 E. St. Patrick Street for a Retail (On-Sale) Liquor License and Sunday Opening
53. LaCroix Investments, Inc. DBA Time Out Lounge, 615 E. North Street for a Retail (On-Sale) Liquor License and Sunday Opening
54. Western Dakota Gaming, Inc. DBA Valley Sports Bar, 1865 S. Valley Drive for a Retail (On-Sale) Liquor License and Sunday Opening
55. Dublin Square, Inc. DBA Dublin Square, 504 Mt. Rushmore Road for a Retail (On-Sale) Liquor License and Sunday Opening
56. TADY LLC DBA Teddy's Sports Bar, 826 Main Street for a Retail (On-Sale) Liquor License and Sunday Opening
57. Rushmore Plaza Civic Center Board DBA Rushmore Plaza Civic Center, 444 Mt. Rushmore Road North for a Retail (On-Sale) Liquor License and Sunday Opening
58. Atlantis LLC DBA Fairfield Inn & Suites by Marriott, 1314 North Elk Vale Road for a Retail (On-Sale) Liquor License and Sunday Opening
59. Sharaf Properties LLC DBA Sharaf Properties, 4507 S. Interstate 90 Service Road for a Retail (On-Sale) Liquor License (NO SUNDAY SALE)

Retail (On-Sale) Wine License Renewal for 2009

60. Botticelli Ristorante, Inc. DBA Botticelli Ristorante, 523 Main Street for a Retail (On-Sale) Wine License
61. Robert W. Johnson DBA Canyon Lake Pub & Casino, 4116 Jackson Boulevard for a Retail (On-Sale) Wine License
62. Mae Jean Adams DBA The Corn Exchange, 727 Main Street for a Retail (On-Sale) Wine License
63. S&Y, Inc. DBA The Golden Phoenix, 2421 West Main Street for a Retail (On-Sale) Wine License
64. Yeung, Inc. DBA Great Wall Chinese Restaurant, 315 E. North Street for a Retail (On-Sale) Wine License
65. Chrisbro, LLC DBA Hampton Inn, 1720 Rapp Street for a Retail (On-Sale) Wine License
66. Century Motels, Inc. DBA Howard Johnson Express Inn & Suites, 950 North Street for a Retail (On-Sale) Wine License
67. Rhonda Berger DBA Ichiban, 1109 Omaha St., Ste. A for a Retail (On-Sale) Wine License
68. Yeung, Inc. DBA Imperial Chinese Restaurant, 702 E. North Street for a Retail (On-Sale) Wine License
69. Museum Alliance of Rapid City, Inc. DBA The Journey Museum, 222 New York Street for a Retail (On-Sale) Wine License
70. Khoury's Mediterranean Cuisine, Inc. DBA Khoury's Mediterranean Cuisine, 2520 West Main Street for a Retail (On-Sale) Wine License
71. Los Espinos LLC DBA LaCosta Mexican Restaurant, 603 Omaha Street for a Retail (On-Sale) Wine License
72. WR Rapid City Ventures, LP DBA Oakleaf Beer Garden, 2213 LaCrosse Street for a Retail (On-Sale) Wine License
73. Piesano's Pacchia, Inc. DBA Piesano's Pacchia, 3618 Canyon Lake Dr. #33 for a Retail (On-Sale) Wine License

74. Mai T. Goodsell DBA Saigon Restaurant, 221 E. North Street for a Retail (On-Sale) Wine License
75. Wine Cellar Restaurant, LLC DBA Wine Cellar Restaurant, 513 Sixth Street for a Retail (On-Sale) Wine License
76. Frank Morrison DBA Thirsty's, 819 Main Street for a Retail (On-Sale) Wine License
77. Coco Palace LLC DBA Coco Palace, 1900 N. Maple Avenue for a Retail (On-Sale) Wine License
78. 609 Main, Inc. DBA Delmonico Grill, 609 Main Street for a Retail (On-Sale) Wine License
79. GS Corp, Inc. DBA Casa Re' al, 2315 1/2 Mt. Rushmore Road for a Retail (On-Sale) Wine License
80. Leading Edge Management, LLC DBA Buffalo Wings and Rings, 5622 Sheridan Lake Road for a Retail (On-Sale) Wine License
81. Black Hills Coffee Company DBA Black Hills Coffee Company, 5955 So Hwy 16 Ste G for a Retail (On-Sale) Wine License
82. Gab Denk Kwak and Kaz Campillo DBA Hana Restaurant, 2328 West Main Street for a Retail (On-Sale) Wine License
83. Central States Fair, Inc. DBA Central States Fair, 800 San Francisco Street for a Retail (On-Sale) Wine License
84. Uncork'd Wine and Tapas Bar LLC DBA Uncork'd Wine and Tapas Bar, 5734 Sheridan Lake Road #107 for a Retail (On-Sale) Wine License
85. SMJ Ventures, LLC DBA OMA Café & Bakery, 1118 East North Street for a Retail (On-Sale) Wine License

Package (Off-Sale) Liquor License Renewal for 2009

86. Nauman Flying Service, Inc. DBA Autumn Hills Plaza Liquor, 5312 Sheridan Lake Rd., #103 for a Package (Off-Sale) Liquor License
87. B & L, Inc. DBA Boyd's Liquor Mart, 909 E. St. Patrick Street for a Package (Off-Sale) Liquor License
88. Mills Drug, Inc. DBA Boyd's Liquor Mart, 1424 Mt. Rushmore Road for a Package (Off-Sale) Liquor License
89. B & L, Inc. DBA Boyd's Liquor Mart, 2001 W. Main Street, No. 202 for a Package (Off-Sale) Liquor License
90. LaCroix Investments, Inc. DBA Bus's Bottle Shop, 615 E. North Street for a Package (Off-Sale) Liquor License
91. Derby Advertising, Inc. DBA Canyon Lake Chop House, 2720 Chapel Lane for a Package (Off-Sale) Liquor License
92. Canyon Lake Liquors, Ltd. DBA Canyon Lake Liquors, 4244 Canyon Lake Drive for a Package (Off-Sale) Liquor License
93. Sully Enterprises, LLC DBA Common Cents, 2808 Sheridan Lake Road for a Package (Off-Sale) Liquor License
94. Sully Enterprises, LLC DBA Common Cents, 634 E. North Street for a Package (Off-Sale) Liquor License
95. Debra J. Erickson DBA Corner Pantry-LaCrosse St., 2130 LaCrosse Street for a Package (Off-Sale) Liquor License
96. Dakotas Best & Brown Bag Deli, Inc. DBA Dakota's Best & Brown Bag Deli, 818 Main Street for a Package (Off-Sale) Liquor License
97. Yellow Robe Enterprises, LLC DBA Dacotah Liquors, 418 Knollwood Drive for a Package (Off-Sale) Liquor License
98. Bach Investments, Inc. DBA Hideaway Casino, 1575 N. LaCrosse Street, Ste. D for a Package (Off-Sale) Liquor License
99. Cortez LLC DBA Hotel Alex Johnson, 523 Sixth Street for a Package (Off-Sale) Liquor License
100. Retsel Corp. DBA Ramada Inn Package Store, 1721 N. LaCrosse Street for a Package (Off-Sale) Liquor License

101. Smith's Liquor Gallery Inc. DBA Smith's Liquor Gallery, 2218 Jackson Blvd., Ste. 1 for a Package (Off-Sale) Liquor License
102. Sooper Dooper Markets, Inc. DBA Sooper Dooper #1, 913 E. St. Patrick for a Package (Off-Sale) Liquor License
103. Staple & Spice Market, Inc. DBA Staple & Spice Market, 601 Mt. Rushmore Road for a Package (Off-Sale) Liquor License
104. Thrifty Smoke Shop, Inc. DBA Thrifty Smoke Shop, 718 East St. Patrick Street for a Package (Off-Sale) Liquor License
105. Thrifty Smoke Shop, Inc. DBA Thrifty Smoke Shop III, 3030 W. Main Street, Ste. B for a Package (Off-Sale) Liquor License
106. Carol Enterprises, Inc. DBA Valley Liquor, 747 Timmons Blvd. for a Package (Off-Sale) Liquor License
107. Orris Enterprises, Inc. DBA Vino 100, 520 7th St., #520 for a Package (Off-Sale) Liquor License
108. Lily Corp DBA Flowers by LeRoy, 2016 West Main Street for a Package (Off-Sale) Liquor License
109. Botticelli Ristorante, Inc. DBA Botticelli Ristorante, 523 Main Street for a Package (Off-Sale) Liquor License
110. Fat Boy's, Inc. DBA Firehouse Brewing Co., 610 Main Street for a Package (Off-Sale) Liquor License
111. Steven C. Lester DBA Rushmore Plaza Holiday Inn, 505 N. 5th Street for a Package (Off-Sale) Liquor License
112. Carol Enterprises, Inc. DBA Don's Valley Express #2, 3343 N. Haines Avenue for a Package (Off-Sale) Liquor License

Public Works Committee Consent Items

113. No. PW111208-11 – Approve Change Order No. 8 for Rushmore Plaza Civic Center Multipurpose Addition – Bid Package 2, to Sampson Construction, Project No. IDP06-1555, for an increase of \$33,691.00
114. No. PW111208-07 – Approve Change Order No. 1 for LaCrosse Street Drainage Improvements, to R.C.S. Construction, Inc., Project No. DR01-1157 / CIP No. 50438, for a decrease of \$17,686.37
115. No. PW111208-08 – Approve Change Order No. 3 for East Mall Drive Connection - North LaCrosse Street to East North Street, to Knife River Midwest, LLC, Project No. ST06-1334 / CIP No. 50521, for a decrease of \$7,240.35
116. No. PW111208-05 – Authorize Staff to Advertise for Bids for the Downtown Pavement Repair - PCC Pavement Repair and Replacement, Joint Sealing, St. Joseph Street and Main Street, from East Boulevard to West Boulevard, Project No. STCM08-1747 / CIP No. 50445, Estimated Cost: \$350,000
117. No. PW111208-06 – Authorize Staff to Advertise for Bids for the Street Rehabilitation Project, Harney Drive, Harney Place, Raymond Drive, Edge Mill and 2 inch Overlay with ADA Ramps Installed, Project No. ST08-1721B / CIP No. 50549, Estimated Cost: \$150,000
118. No. PW111208-02 – Authorize Mayor and Finance Officer to sign an Agreement Between the City of Rapid City and MG Oil Company Regarding the Donation of Certain Land for Right-of-Way Along Universal Drive, Project No. ST08-1701
119. No. PW111208-04 – Approve a Resolution to Establish a Sewer Construction Fee for the Adams Street Sewer Extension

CONSTRUCTION FEE RESOLUTION

WHEREAS, Rapid City Municipal Code Section 13.08.365 and SDCL Section 9-48-15 allows the Common Council to impose sewer construction fees for connection to the sewer utility in certain areas; and

WHEREAS, sewer main has been extended near Adams Street per plans filed with the City

under City Development File No. SS03-1662: Adams Street Sewer Extension as shown on Exhibit A, attached hereto and incorporated hereto; and

WHEREAS, J & R Rentals has installed an 8" sewer main to provide service to their property and J & R Rentals has paid \$52,809.07 for the requested extension. The City reimbursed the developer for \$36,002.91 leaving a remaining cost of \$16,806.16; and

WHEREAS, sewer extension costs associated with the Adams Street Sewer Extension, City Development File No. SS03-1662 should be proportioned according to the benefit each property receives; and

WHEREAS, remaining sewer extension costs were divided among 3 benefiting properties of which the Developer and Kenneth Bella have connected to the City's sewer main and paid their proportional share for the Adams Street Sewer Extension. Therefore, the total cost to be collected is \$5,602.05; and

WHEREAS, the remaining cost for the 8" sewer main of \$5,602.05 will be proportioned to the properties identified in Exhibit A according to the benefits to accrue to such property before such property shall be served with such facilities; and

WHEREAS, these utility construction fees are based on the benefits that accrue to such property, and should be established on a per-lot system. "Benefiting areas" include those properties that will benefit from a sewer main extension to service the area, and directly abut the newly constructed sewer main; and

WHEREAS, the Common Council finds, after conducting a comprehensive investigation of the areas benefited by the construction of the sewer main associated with the Adams Street Sewer Extension, City Development File No. SS03-1662, that such utility construction fees are appropriate and in the best interest of the City, community, and the sewer utility.

NOW, THEREFORE, be it resolved that utility construction fees are hereby imposed on the property that benefits from construction of the sewer main associated with Adams Street Sewer Extension, City Development File No. S03-1662; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A shall be required to pay its proportional share of the cost of construction of the sewer main associated with Adams Street Sewer Extension, City Development File No. SS03-1662 prior to being served with City sewer; and

BE IT FURTHER RESOLVED that the property shown in Exhibit A as benefiting property shall pay \$5,602.05 prior to connection to the City's sewer main; and

BE IT FURTHER RESOLVED that all sewer construction fees collected as established herein shall accrue to the sewer enterprise fund to be dispersed to J & R Rentals; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the benefiting properties of the project have connected to City sewer, at which time this Resolution and the sewer construction fee shall automatically expire. The total fee to be collected and disbursed to J & R Rentals is \$5,602.05 which is the total cost of construction (\$52,809.07) less the City's reimbursement (\$36,002.91) less the developer's share (\$5,602.05) and less Kenneth Bella's share (\$5,602.05).

Dated 17th this day of November, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

Legal & Finance Committee Consent Items

121. Acknowledge the report by Mayor Hanks regarding the ballots for the Ward Five runoff election
122. No. LF111208-02 – Approve the purchase of a 2009 Chevrolet Impala from State Contract #15538, from Lamb Chevrolet, Onida, SD, in the sum of \$16,799 and the purchase of a 2009 Ford F450 Cab Chassis from State Contract #15539, from McKie Ford in the sum of \$30,773
123. No. LF111208-04 – Authorize the Mayor and Finance Office to sign the Agreement between the City of Rapid City and JCP Land Development, Inc. to Allow for Acceptance of Public Improvements Before the Completion of Sidewalks for Lots 4,5,6,7, and 8 (north lot line only) of Block 5; Lots 1 (north lot line only), 2, and 3 of Block 7, all in Stoney Creek Subdivision
124. No. LF111208-05 – Approve Travel Request for Curt Bechtel, Code Consultant; Bernie Hall, Chief Electrical Inspector; Jeff Larus, Building Inspector III; and three Fire Department Staff to attend the ICC International Codes Training Seminar in Denver, CO, March 2-6, 2009 (Travel Dates March 1-7, 2009) in the approximate amount of \$9,464.36
125. Set a special meeting to approve end of the year bills and other obligations on December 30 at 12:30 p.m.
126. Acknowledge the following volunteers for workmen's compensation purposes: Janisha DeCory, Dakota Nelson, Philip Paulsen, Kyle Grover
127. Change the November 26, 2008 Legal and Finance Committee meeting to November 25, 2008 to follow the Public Works Committee meeting
128. Set a Special Council Meeting for 6:45 p.m. on Monday, December 1, 2008 to canvass the vote from the runoff election
130. No. LF111208-10 – Acknowledge raffle request from Rapid City Elks Lodge No. 1187

Growth Management Department Consent Items

131. No. 08PL038 - A request by Sperlich Consulting, Inc. for TK Engesser Investments, LLC for a **Preliminary Plat** on Lots 1 thru 4 of Engessor Subdivison, 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. (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 drainage and grading plan must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document must be revised to provide drainage easements as necessary; 3. Prior to Preliminary Plat approval by City Council, water system plans prepared by a Registered Professional Engineer verifying the source and demonstrating that sufficient quantities for domestic and fire flows be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained; 4. Prior to Preliminary Plat approval by City Council, a sewer plan prepared by a Registered

Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained; 5. Prior to Preliminary Plat approval by the City Council, the applicant shall revise the plat document dedicating an additional 17 feet of right-of-way along the west side of Radar Hill Road; 6. Prior to Preliminary Plat approval by the City Council, the applicant shall revise the plat document dedicating an additional 6 feet of right-of-way along the south side of Dunn Road; 7. Prior to Preliminary Plat approval by the City Council, plans for Radar Hill Road shall be submitted showing Radar Hill Road constructed with a minimum 36 feet wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, a non-access easement shall be identified along the eastern lot line of proposed Lot 2; 8. Prior to Preliminary Plat approval by the City Council, plans for Dunn Road must be submitted showing Dunn Road constructed with a minimum 40 feet wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 9. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval; 10. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval; 11. Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees be paid as required; 12. Prior to Final Plat approval, portions of the property shall be rezoned or the lots shall be reconfigured to meet the minimum lot size requirements of the General Agricultural District or a Lot Size Variance shall be obtained; and, 13. Prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.)

132. 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. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to City Council approval, drainage and grading plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; 2. Prior to City Council approval, a miscellaneous document must be recorded at the Pennington County Register of Deeds office providing a 45 foot wide access easement to Lot B3; 3. Prior to City Council approval, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval; 4. Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees be paid as required; and, 5. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

END OF CONSENT CALENDAR

Motion by Kooiker and seconded to acknowledge the Theodore Roosevelt Expressway report by Pat McElgunn. Alderman Olson explained how the corridor was designed to enhance transportation from the north to the south of the central of the United States and this corridor is made of up of many highways. The portion of this corridor that goes through North Dakota and South Dakota is referred to as the Theodore Roosevelt Expressway. Okrepkie asked if Nebraska was mentioned, Olson said Pat McElgunn focused mostly on South Dakota and North Dakota. Okrepkie agreed that the expressway will improve economic development and is a very important issue dealing with transportation. Motion passed.

Motion by Kooiker and seconded to (No. LF111208-08), approve the preliminary Fiscal Year 2009 Community Development Block Grant recommended allocations. Alderman Weifenbach wanted to acknowledge that he was abstaining from voting on this item. Motion carried Weifenbach abstaining.

NON-CONSENT ITEMS – Items 133 - 148

Motion was made, seconded and carried to open public comment on Items 133-148. No comments were offered. Motion passed. Motion was made, seconded and carried to close public comment on Items 133-148. Motion passed.

Ordinances

Ordinance 5452 (No. 08RZ044) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Britton Engineering & Land Surveying for Steve Wynia of Wyngaard Investments and the City of Rapid City for a **Rezoning from General Commercial District to Light Industrial District** on Lot 9 of Cambell Square Addition, located in Government Lot 4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1410 Centre Street was introduced. Motion was made by Kooiker, seconded and carried that Ordinance No. 5452 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 1, 2008.

Ordinance 5453 (No. 08RZ045) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Pennington County and City of Rapid City for a **Rezoning from Park Forest District to Flood Hazard District** on Lot 1A of Block 3 of Jackson Park, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Chapel Lane and south of Jackson Boulevard was introduced. Motion was made by Kooiker, seconded and carried that Ordinance No. 5453 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 1, 2008.

Ordinance 5454 (No. 08RZ046) 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 Tract 20 of High View Subdivision, located in the NE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1445 Sammis Trail was introduced. Motion was made by Kooiker, seconded and carried that Ordinance No. 5454 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 1, 2008.

Ordinance No. 5434 (No. 08OA011) An Ordinance Adding the Installation of Curb and Gutter, Street Lights and Sidewalks on State Highways to the Subdivision Exceptions by Amending Section 16.24.015 of the Rapid City Municipal Code having passed first reading on October 20, 2008; motion was made by Kooiker and seconded that the title be read the second time. Kooiker respects the reasoning behind this Ordinance but is concerned about sidewalk waivers on State Highways. Olson is also concerned about waiving sidewalk requirements but believes staff is supportive of sidewalks and that the Council needs to be more concerned about sidewalks and not waiving requirements for them. Okrepkie asked how this goes along with how sidewalks are put in. Marcia Elkins, Growth Management Director explained that this amendment does not change the timing of when sidewalks are installed it only effects sidewalks along state highways; and this recommendation comes forward from the Council Recommendation Committee as a change to streamline the process. The following voted AYE: Olson, Kroeger, Hadcock, LaCroix, Martinson, Okrepkie, and Chapman; NO: Kooiker; whereupon the Mayor declared the motion passed and Ordinance No. 5434 was declared duly passed upon its second reading.

Ordinance No. 5440 (No. 08OA012a) Ordinance to amend the Light Industrial Zoning District by Amending Section 17.22.020.C.5 of the Rapid City Municipal Code having passed first reading on

November 3, 2008; motion was made by Kooiker and seconded that the title be read the second time. The following voted AYE: Kooiker, Olson, Kroeger, Hadcock, LaCroix, Martinson, Okrepkie, and Chapman; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5440 was declared duly passed upon its second reading.

Ordinance No. 5441 (No. 08OA012b) Ordinance to amend the Light Industrial Zoning District by Adding Section 17.22.090 of the Rapid City Municipal Code having passed first reading on November 3, 2008; motion was made by Kooiker and seconded that the title be read the second time. The following voted AYE: Kooiker, Olson, Kroeger, Hadcock, LaCroix, Martinson, Okrepkie, and Chapman; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5441 was declared duly passed upon its second reading.

Ordinance No. 5442 (No. 08OA013) Ordinance to amend the General Agriculture Zoning District by Deleting Section 17.34.030B of the Rapid City Municipal Code having passed first reading on November 3, 2008; motion was made by Kooiker and seconded that the title be read the second time. The following voted AYE: Kooiker, Olson, Kroeger, Hadcock, LaCroix, Martinson, Okrepkie, and Chapman; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5442 was declared duly passed upon its second reading.

Legal & Finance Committee Items

Motion was made by Kooiker to (No. LF111208-01) approve allocation of FY2009 Subsidy Funds for Humanities portion to reflect \$10,000 to Community Health and \$4,000 to the Front Porch Coalition.

Olson didn't agree with the allocation amounts and made a substitute motion to reflect \$12,000 to Community Health and \$2,000 to the Front Porch Coalition, the motion was seconded. LaCroix said the committee did the best they could dividing the appropriation of funds; but said that Council ultimately makes the decision. He is not opposed to going back to \$12,000 for Community Health and \$2,000 to the Front Porch Coalition, but right now he will not be supporting the substitute motion. Kroeger stated he would be abstaining from this vote since he is on the Board of Directors at Community Health. Hadcock stated that Barb Garcia and Renee Parker were the experts regarding these funds and she thinks their advice should be followed. Kooiker thinks both organizations are important and both have reasons to receive the money. Weifenbach raised a question regarding the 211 funds. Mayor clarified that Community Development Block Grants consist of two blocks, one is Housing and Public Facilities and the other is Public Services, 211 actually falls under Public Service. Weifenbach asked why 211 is coming from the Humanities side and not the Art side. Kevin Thom tried explaining the funding and then Jim Preston offered his comments stating the committee wanted the funds to be allocated to the Humanities side and not the Art side. Chapman offered his comments. Discussion continued.

Kooiker offered a motion to divide the question -- to approve all the subsidy items with the exception of Front Porch and Community Health, motion was seconded. Okrepkie and Chapman did not agree with this motion. Chapman did not want to pit the Front Porch Coalition against Community Health, why not look at all the committees, not just these two. Olson does not agree with dividing the question either. Motion to divide the question failed with Kooiker voting AYE.

LaCroix said the decision was hard and he would be open to any other suggestions. Motion to allocate \$12,000 to Community Health and \$2,000 to the Front Porch Coalition passed 5 to 3 with Kooiker, Olson, Hadcock, Okrepkie and Chapman voting AYE; and LaCroix, Martinson and Weifenbach voting NO; and Kroeger abstaining;

The Mayor asked how South Dakota Law interpreted this vote. He asked if 6 yes votes were needed to pass. Jason Green, City Attorney, stated this vote didn't constitute the expenditure of money; the Council is only approving "the plan" they are not spending the money. Green said the 6 votes comes into effect

when you approve the budget. Kooiker called a point of order. He disagreed with the interpretation of the law. Green read the Ordinance and stated that 6 votes were needed if there were 10 Council Member but since there are only 9, the majority rules.

Motion was made by Kooiker, seconded and carried to confirm appointment to the Parking Committee (to look at the downtown parking plan)

Motion was made by Kooiker and seconded to (No. LF111208-11) approve the award of quote from Action Mechanical for emergency repairs to the Station No. 3 boiler in an amount not to exceed \$38,250. City Attorney Green said all quotes have to be stated in the minutes, he asked Chief Rohlfing to acknowledge all bids. Chief Rohlfing read the bids as follows: PDI – Plumbing Design & Installation bid \$39,730, Action Mechanical bid \$38,250 and Western Mechanical, no quote was received. Motion carried.

Motion was made by Hadcock and seconded to (No. LF101508-22) authorize the Mayor and Finance Officer to Sign Developer's Agreement with Hidden Valley, Inc. for Tax Increment District Number 61. Weifenbach asked who the developer was. Marcia Elkins said it was Jeff Lage and Jennifer Landguth, and Phil Olson, it was the Villagio Development. This item was brought forward to clarify the project plan. Kooiker asked why there was a difference in the interest rate, one says 9%, the other says 9.5% and why the rate is so high. Marcia Elkins said it was the best the banks could do right now. Regarding the rate, City Attorney Green said he would have to review this. He suggested this item be referred back to Legal and Finance in order to clarify the interest rate. Okrepkie asked how long this would delay the TIF. Marcia said it would be delayed for a while and that the developer was anxious to get started, she also suggested returning this item back to Legal and Finance for clarification on the 9.5%. Okrepkie doesn't want to see this get delayed if it doesn't have to, but agrees the interest rate should be clarified. Kooiker suggested that Council approve the item but change the interest rate to read "not to exceed 9%" City Attorney Green didn't recommend doing this and again advised to return it back to Legal and Finance Committee. Substitute Motion made by Hadcock and seconded to refer back to the next Legal and Finance Committee. Motion carried.

Motion made by Hadcock and seconded to continue (No. LF101508-23) Authorize the Mayor and Finance Officer to Sign Revised Developer's Agreement with Signature Development Company, LLC for Tax Increment District Number 61 to the next Legal and Finance Meeting to clarify the interest rate. Motion carried.

Motion made by Kooiker and seconded by Kroeger to (No. LF111208-09), Authorize the Mayor and Finance Officer to sign Contract for Real Estate Listing Services for the platted portion of the Wally Byum site. City Attorney Jason Green said the terms on this agreement are not worked out and asked that this item be returned back to Legal and Finance. Substitute Motion was made by Hadcock and seconded to refer this item back to the next Legal and Finance Committee meeting. Okrepkie asked what the earliest date was that the property could be put up for sale. The Mayor stated this item would be on the December 1, 2008 City Council Meeting and Jason Green confirmed the earliest date this property could be for sale is December 2, 2008. Motion carried.

Council Items & Liaison Reports

Congress of Cities Report, in Florida, Aldermen Okrepkie, Martinson, Chapman; Each spoke about the value of the trip, good networking opportunity and very good training.

National League of Cities, LaCroix and Hadcock reported on their experience when it was in Oregon. LaCroix received his silver and gold certificates. Both thought it was very beneficial.

Hadcock stated that the City would start hanging Holiday lights beginning Monday, November 17, 2008 through Wednesday, November 26, 2008 from 8:00 am to 4:00 pm. She thanked the volunteers who helped decorate Halley Park on Saturday, November 15, 2008

Okrepkie asked Jerry Cole if they had budgeted money to harvest 300 deer. Mr. Cole said they had. Weifenbach asked which area would be harvested. Mr. Cole stated the southwest and northwest mostly.

Sign Code Appeals

Motion was made by Kooiker 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 January 19, 2009 City Council Meeting. Motion carried.

Motion was made by Kooiker 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 January 19, 2009 City Council Meeting. Motion carried.

PUBLIC HEARING ITEMS – Items 149 – 191

Motion made by Olson, seconded and carried to open the public hearing on items 149 – 191. Item 190 from Steve Mueller, is concerned that the road is going from a rural, dead-end gravel road to through road with non-residential traffic. The current road serves 9 residential homes and is bike and pedestrian friendly. If this street is passed, he would like a sidewalk put in on the south side of the road. He would also like to see dimmer street lights in order to keep the bright lights away from his home. Item 190, Ed Carpenter addressed the Council on behalf of Sweet Creek LLC. He does not want to take any other collector streets off of the future use plan in order to accommodate this new collector road.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 149 - 186

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

Continue the following items until December 1, 2008:

149. 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 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.
150. No. 08AN011 - A request by City of Rapid City for a **Resolution of Annexation - South Valley Drive** on Lot 6 – 7 less Lot H-1, Block 2, Johnson School Subdivision in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Part of Tract D located in the NE1/4NW1/4 of Section 9 and the east 88 feet of Lot D of the NE1/4NW1/4 less Lot H-1 in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot H-3 and H-4 in NW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot H-1 in Lot E in NE1/4NW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 1-6 of Lot D, Wood Subdivision in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 1E of NE1/4NW1/4 and the south part of Lot E of the NE1/4NW1/4 lying south of access highway in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Portion of the N1/2NW1/4 less Lot H5 of NE1/4NW1/4 and the

N1/2SE1/4NW1/4 less Lot H1, all in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 1, Lot B of Lot 2, Lot A of Lot 2-3, Lot 5 including Lot A of Lot 5, Lot 6, Lot 7, Lot W of Lot 8B & Lot 1 of Lot 9B, Lot 3A of Lot 3 and the balance of Lot 3, Lot 3D of Lot 3, Lot 3E of Lot 3, all of SW1/4NW1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots A-E, Lots 1 and 2 of Lot F, Lots G-P of Lot 2B of Lot 2 and south half vacated right-of-way adjacent to lots G, H, I, J, & K and including Sherman Drive and the north half vacated right-of-way adjacent to lots A-C, Lots 1-4 of Lot 2A in Lot 2, Lot 2C of Lot 2 less Lot 1, all in NW1/4SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 3A-1, 3A-2, 3A-3 of Lot 3A Revised, W157 feet of Lot 3A Revised, Lots 3B and 3C of Lot 3, W1/2 of Lot 3D of Lot 3, Lot 3E and E1/2 of Lot 3D of Lot 3, Lot 3F of Lot 3, Lot 3G of Lot 3, Lot 3H of Lot 3, Lot 3J of Lot 3, Lot 3K Revised of Lot 3, Lot 3L Revised of Lot 3, Lot 3M of Lot 3, Lot 3N of Lot 3, Lot 3P of Lot 3, Lot 3Q of Lot 3, Lot 3R of Lot 3, Lot 4, Lot 5, Lot 6, all in Melody Acres located in the NW1/4SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; All of Orchard Subdivision, Eden Gardens Addition, and Melody Acres Subdivision No. 2, located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 3 of Tract A in E1/2SW1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 1-10 of Fravel Tract Subdivision of Lot 1 of NW1/4SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 1 of Well Addition less Lot H1 and less dedicated right-of-way in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Garden Lane, Orchard Lane, Melody Lane, E. Fairmont Street, Cactus Drive, Scott Street, Eden Lane, School Drive, Lancer Drive, and S. D. Highway 44 including Lot H-1 and Lot H-2 in the NE1/4NW1/4, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; The 100 foot railroad right-of-way of the South Dakota Department of Transportation acting through the Office of Railroads, lying in the N1/2NW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Hawthorne Ditch located in the NW1/4NW1/4 in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; E. St. Patrick right-of-way located north of Lot H-3 in NW1/4 of Section 9 and north of Rapid Valley Subdivision in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; All of Blocks 1 and 2, Blocks 5 and 6, Lots 1-12 of Block 3, Lots 7-12 of Block 4, all of Rapid Valley Subdivision in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; All of Long Acres Square and Sedivy Subdivision, located in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; Lot A of Watco Subdivision, Section 8, T1N, R8E, BHM, Pennington County, South Dakota; Tract B of Jepsen Subdivision, Section 8, T1N, R8E, BHM, Pennington County, South Dakota; SW1/4NE1/4NE1/4, W1/2SE1/4NE1/4, S1/2SW1/4NE1/4, E1/2SE1/4NE1/4 less Block 1 & 2 and Lot 7 of Sedivy Subdivision, W1/2SE1/4, W1/2NE1/4SE1/4, E1/2NE1/4SE1/4 less Watco Subdivision and less Jepsen Subdivision, SE1/4SE1/4 less Jepsen Subdivision, all in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; Beechwood Lane, Pecan Lane, Olive Lane, E. St. Francis Street, Blanche Drive, Long Acre Drive, and Garden Lane, all located in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; Sedivy Lane, that portion not in the City limits of Rapid City, located in the NE1/4 of Section 8, T1N, R8E, BHM, Pennington County, South Dakota; NW1/4 less Lot H-1 as recorded in Book 9 Hwy of Plats – Page 54 and less Lot H-1 as recorded in Book 9 Hwy of Plats – Page 52 (Elk Vale Road right-of-way) in Section 16, T1N, R8E, BHM, Pennington County, South Dakota, T1N, R8E, BHM, Pennington County, South Dakota; NE1/4 and the N1/2SE1/4 including Lot H-2 of the NE1/4SE1/4 and less lot H1 of NE1/4SE1/4 otherwise known as Elk Vale Road right-of-way, all in Section 17, T1N, R8E, BHM, Pennington County, South Dakota; and, That portion of the Section line highway known as South Valley Drive lying within 33 feet each side of the north-south line between Section 9 and Section 8 and between the Northwest quarter of Section 16 and the Northeast quarter of Section 17, and the north 550 feet of the 33 feet section line highway on the east boundary of the NE1/4SE1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota.

151. No. 08PL061 - A request by Kadrmas, Lee and Jackson for Speedway Enterprises, LLC for a **Layout Plat** on Lots 1 and 2 of Race Track Subdivision, formerly the unplatted portion of the S1/2 SW1/4 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City,

Pennington County, South Dakota, legally described as the unplatted portion of the S1/2 SW1/4 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of the intersection of East S.D. Highway 44 and Jolly Lane.

152. No. 08PL098 - A request by Dream Design International Inc. for a **Preliminary Plat** on Lots 29 thru 33 of Block 3 of 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.
153. No. 08PL099 - A request by Dream Design International Inc. for a **Preliminary Plat** on Lots 1 thru 28 of Block 3; Tracts A, B, C and D of Block 4 of 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.
154. No. 08PL102 - A request by Black Hills Area Habitat for Humanity for a **Preliminary Plat** on Blocks 73A, 73B and 73C of Mahoney Addition, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 73 of Mahoney Addition, all located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1323 Midway Street.
155. No. 08PL112 - A request by Renner & Associates for Vern Osterloo for a **Preliminary Plat** on Tracts H and I of Regional Hospital Addition, located in the SW1/4, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as vacated Third Street Right-of-way, Tracts AR-1 thru AR-6, Tract B and Tract E of Regional Hospital Addition, and a part of the unplatted portion of the SE1/4 SW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Fifth Street and Fairmont Boulevard.
156. No. 08PL113 - A request by Sperlich Consulting, Inc. for Roy Burr for a **Preliminary Plat** on Lot 8 of Block 2 of the Villaggio at Golden Eagle, located in the W1/2 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the W1/2 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 5617 Villaggio Lane.
157. No. 08PL116 - A request by Sperlich Consulting, Inc. for Zandstra Real Estate Holdings for a **Preliminary Plat** on Lots 8 thru 12 of Block 8, Lots 5 thru 9 of Block 9, Lots 17 thru 23 of Block 10, Lots 4 thru 18 of Block 11 and Lots 1 thru 10 of Block 13 of Elks Country Estates, located in a portion of Tract 1 of the E1/2, Section 16, T1N, R8E, BHM, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of the E1/2, Section 16, T1N, R8E, BHM, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the north and south sides of the intersection of Jolly Lane and Padre Drive and adjacent to Forest Oaks Court.
158. No. 08PL124 - A request by CETEC Engineering Services, Inc. for OS Development, Inc. for a **Preliminary Plat** on Lot 1 of Block 1, Lot 1 of Block 2, Lots 1 thru 40 of Block 3, Lots 1 thru 7 of Block 4, Lots 1 thru 10 of Block 5, Lots 1 thru 6 of Block 6, Lots 1 thru 12 of Block 7, Lots 1 thru 8

of Block 8, Lots 1 thru 10 of Block 9, Tracts A and B and the dedicated public Right-of-way, located in the SW1/4 NE1/4, SE1/4 NE1/4, SE1/4, Section 22 and the NE1/4 NE1/4, SE1/4 NE1/4, SW1/4 NE1/4, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in the SW¹/₄ NE¹/₄, SE¹/₄ NE¹/₄, SE¹/₄ of Section 22 and the NE¹/₄ NE¹/₄, of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East ¹/₄ Corner of said Section 22, said point being monumented with a nail in the surface of the asphalt of Reservoir Rd and having two reference monuments consisting of a brass cap and iron pipe, one bears N40°53'23"W 46.84 feet, the second bears S42°28'55"W 47.86 feet; Thence S11°01'40"W 211.80 feet the True Point of Beginning, said point is on the westerly Right-of-Way line of said Reservoir Rd; Thence N88°20'56"W 42.22 feet to the beginning of a curve concave to the northeast having a radius of 454.00 feet; Thence along said curve a distance of 240.79 feet to the beginning point of a reverse curve having a radius of 666.00 feet; Thence along said curve a distance of 763.21 feet to a point; Thence N42°15'21"W 103.29 feet to the beginning of a curve concave to the northeast having a radius of 740.00 feet; Thence along said curve a distance of 109.90 feet to a point; Thence N04°01'19"W 212.28 feet to a point; Thence S55°45'42"W 75.36 feet to a point; Thence N86°53'21"W 134.46 feet to a point; Thence S10°21'24"E 98.19 feet to a point; Thence S35°06'10"W 63.00 feet to a point; Thence S46°21'05"E 109.89 feet to a the beginning of a non-tangent curve concave to the southwest having a radius of 936.00 feet and a chord bearing of S45°14'35"E; Thence along said curve a distance of 97.60 feet to a point; Thence S42°15'21"E 82.00 feet to a point; Thence S47°44'39"W 267.00 feet to a point; Thence S42°15'21"E 318.00 feet to the beginning of a curve concave to the southwest having a radius of 669.00 feet; Thence along said curve a distance of 415.25 feet to a point; Thence S04°27'54"E 52.00 feet to the beginning of a non-tangent curve concave to the west having a radius of 669.00 feet and a chord bearing of S00°04'26"E ; Thence along said curve a distance of 50.53 feet to a point; Thence S02°05'22"W 618.45 feet to a point; Thence N87°54'38"W 157.00 feet to a point; Thence S02°05'22"W 82.00 feet to a point; Thence S47°05'22"W 14.14 feet to a point; Thence N87°54'38"W 95.00 feet to a point; Thence S02°05'22"W 89.55 feet to the beginning of a curve concave to the northwest having a radius of 407.00 feet; Thence along said curve a distance of 283.67 feet to a point; Thence S42°01'34"W 129.91 feet to a point; Thence S47°44'39"W 76.00 feet to a point; Thence S42°15'21"E 25.35 feet to the beginning of a curve concave to the northeast having a radius of 1238.00 feet; Thence along said curve a distance of 692.63' to a point; Thence S32°05'22"W 61.42 feet to the beginning of a curve concave to the northwest having a radius of 2060.00 feet; Thence along said curve a distance of 464.18 feet to a point; Thence S45°00'00"W 183.94 feet to a point; Thence S45°00'00"E 172.00 feet to a point; Thence N45°00'00"E 86.99 feet to a point; Thence S90°00'00"E 14.14 feet to a point; Thence S45°00'00"E 100.00 feet to a point; Thence N45°00'00"E 478.38 feet to a point; Thence S64°12'57"E 223.55 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 254.00 feet and a chord bearing of S28°27'35"E; Thence along said curve a distance of 263.73 feet to a point; Thence S88°42'49"E 120.00 feet to the beginning of a non-tangent curve concave to the west having a radius of 374.00 feet and a chord bearing of S01°38'45"W; Thence along said curve a distance of 4.69 feet to a point; Thence S02°00'19"W 29.40 feet to a point; Thence S87°59'41"E 199.00 feet to a point along the westerly Right-of-Way line of said Reservoir Road; Thence N02°00'19"E 678.41 feet along said Right-of-Way where it intersects the South line of the Southeast quarter of said Section 22, from which the Southeast corner of said section 22 bears S88°27'49"E 33.00 feet, said point being monumented with an iron rod below the surface of the asphalt; Thence N02°03'51"E 38.00 along the Right-of-Way of said Reservoir Rd to a point; Thence N88°27'48"W 515.70 feet to the beginning of a curve concave to the northeast having a radius of 1162.00 feet; Thence along said curve a distance of 264.57 feet to a point; Thence N32°05'22"E 194.31 feet to the beginning of a curve concave to the northwest having a radius of 1066.00 feet; Thence along said curve a distance of 465.06 feet to a point; Thence S87°56'54"E 23.94 feet to the southwest corner of Tract 1 of the Bradeen Subdivision, said point being monumented with an iron rod and cap stamped "Cetec Eng LS

4725"; Thence N02°05'22"E 986.42 feet along the west line of said Tract 1 to the beginning of a non-tangent curve concave to the southwest having a radius of 1014.96 feet and a chord bearing N22°20'38"W said point is also the northwest corner of said Tract 1 and being monumented with an iron rod and cap stamped "Cetec Eng LS 4725"; Thence along said curve a distance of 695.42 feet to a point; Thence N42°03'11"W 203.20 feet to a point; Thence N41°26'28"W 12.09 feet to the beginning of a non-tangent curve concave to the south having a radius of 613.96 feet and a chord bearing of S89°59'42"E; Thence along said curve a distance of 686.58 feet to the beginning point of a reverse curve having a radius of 506.00 feet; Thence along said curve a distance of 268.36 feet to a point; Thence S88°20'56"E 41.85 feet to a point on the westerly Right-of-Way line of said Section 22; Thence N02°03'51"E 52.00 feet along said Right-of-Way line to the True Point of Beginning, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Reservoir Road and south of the intersection of S.D. Highway 44 and Reservoir Road.

159. No. 08PL131 - A request by FourFront Design, Inc. for Rapid City Economic Development Foundation for a **Preliminary Plat** on Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, located at 333 Concourse Drive.
160. No. 08PL134 - A request by Lyle Bromwich for a **Preliminary Plat** on Lots 1R, 2R, 4R, 5R, 6R, 7R, 9R, 12R, 13R, 16R, 17R, 18R, 19R, 20R, 21R and Lot 4A of Block 4 of H&H Estates Subdivision, all located in the NW1/4 SE1/4 and the NE1/4 SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lots 1, 2, 4, 5, 6, 7, 9, 12, 13, 16, 17, 18, 19, 20, 21 and Lot 4A of Block 4 of H&H Estates Subdivision, all located in the NW1/4 SE1/4 and the NE1/4 SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located south of Hacienda Street, north of Williams Street and west of Plateau Lane.
161. No. 08PL135 - A request by Dream Design International, Inc. for Robert Sundby for a **Preliminary Plat** on Lots A and B of Lot 4 of Una Del Acres, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the N1/2 of Lot 4, less Lot H1, the N1/2 of the east 198 feet of Lot 13 of Una Del Acres, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 5755 Sheridan Lake Road.
162. No. 08PL136 - A request by Renner & Associates for Doug Noyes for a **Layout Plat** on Lots 1 and 2 of resubdivision of Lot 13 of Block 31 of Boulevard Addition and vacated portion of Fairview Street, located in the SW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South

Dakota, legally described as Lot 13 of Block 31 of Boulevard Addition, being all of Block 31 west of the north/south Alley and a portion of Fairview Street, located in the SW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of the intersection of Clark Street and Forest Hills Drive/Fairview Street.

163. No. 08PL137 - A request by Britton Engineering & Land Surveying for Linda Weins for a **Layout Plat** on Lots 1 thru 4 of Weins Subdivision, formerly an unplatted parcel located in the E1/2 NW1/4 SW1/4 less Lot 1 of Trusty Subdivision and less County Road Right-of-way all located in Section 15, T1S, R7E, BHM, Pennington County, South Dakota, legally described as an unplatted parcel located in the E1/2 NW1/4 SW1/4 less Lot 1 of Trusty Subdivision and less County Road Right-of-way all located in Section 15, T1S, R7E, BHM, Pennington County, South Dakota, located 13924 Neck Yoke Road.
164. No. 08PL138 - A request by Ferber Engineering Co., Inc. for North Street Fire Station, LLC for a **Preliminary Plat** on Lots 1 and 2 of Block 5 of East Mall Business Center Subdivision and dedicated public right-of-way for East North Street, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 north of Interstate 90 less Tract A of the NE1/4 SE1/4 and less lots H5, H6, H7, H8 and H9 but including that part of vacated East Mall Drive being part of the outside edge of Lot H5; and part of the SW1/4 north of Interstate 90 including vacated East Mall Drive within said SW1/4 and less Lot 1 of NE1/4 SW1/4 and less Lots 1 and 2 of NW1/4 SW1/4 and less Lot H5 and less lot H8; and part of Lot 1 of the NE1/4 SW 1/4 including vacated East Mall Drive within said Lot 1 and less Lot H7; and part of NW1/4 including vacated East Mall Drive within said NW1/4 less Lots AR, B, C and less E1/2 NE1/4 NW1/4 and less E1/2 NW1/4 NE1/4 NW1/4 and less Lots H2 and H4; and part of Lot C of NW1/4 less Lot H3 and less Lot H1; and part of Lot 1 of Silver Strike Subdivision; and all located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of East North Street and East Mall Drive.
165. No. 08PL139 - A request by Matt Benne for Angie Charlson for a **Layout Plat** on Lots A, B, C and D of Lot 4R of Block 15 of Canyon Lake Heights Subdivision, located in the SE1/4 SE1/4, Section 8 and the SW1/4 SW1/4, Section 9, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 4R in Block 15 of Canyon Lake Heights Subdivision, as shown on the plat filed in Plat Book 28, Page 87 and as corrected by Affidavit recorded December 17, 1997 in Book 69, Page 9640, located in the SE1/4 SE1/4, Section 8 and the SW1/4 SW1/4, Section 9, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4560 Cliff Drive.
166. 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.
167. No. 08SV041 - A request by Black Hills Area Habitat for Humanity for a **Variance to the Subdivision Regulations to waive the requirement to install sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Block 73A and 73C of Mahoney Addition, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 73, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1323 Midway Street.

168. No. 08SV042 - A request by Renner & Associates for Vern Osterloo for a **Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Fifth Street and Elk Street and to install sidewalk along Third Street as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts H and I of Regional Hospital Addition, located in the SW1/4, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as vacated Third Street Right-of-way, Tracts AR-1 thru AR-6, Tract B and Tract E of Regional Hospital Addition, and a part of the unplatted portion of the SE1/4 SW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Fifth Street and Fairmont Boulevard.
169. No. 08SV047 - A request by FourFront Design, Inc. for Rapid City Economic Development Foundation for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1R and Lot2 of Block 3 of Rushmore Business Park, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning: Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, located at 333 Concourse Drive.
170. No. 08SV049 - A request by Sperlich Consulting, Inc. for Roy Burr for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the 66 foot wide private drive and utility easement; to reduce the width of the access easement from 45 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 8 of Block 2 of Villaggio at Golden Eagle, located in a portion of the W½ of the NW¼ of the SE¼, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the W1/2 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Catron Boulevard and west of Golden Eagle Drive.
171. No. 08SV051 - A request by Renner & Associates for Doug Noyes for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Clark Street, to waive the requirement to construct sewer, water, street light conduit, sidewalk, asphalt and curb and gutter along Fairview Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of resubdivision of Lot 13 of Block 31 of Boulevard Addition and vacated

portion of Fairview Street, located in the SW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 13 of Block 31 of Boulevard Addition, being all of Block 31 west of the north/south Alley and a portion of Fairview Street, located in the SW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of the intersection of Clark Street and Forest Hills Drive/Fairview Street.

172. No. 08SV052 - A request by Jerry Wendland for Lyle Bromwich for a **Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Hacienda Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1R, 2R, 4R, 5R, 6R, 7R, 9R, 12R, 13R, 16R, 17R, 18R, 19R, 20R, 21R and Lot 4a of Block 4 of H&H Estates Subdivision, all located in the NW1/4 SE1/4 and NE1/4 SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lots 1, 2, 4, 5, 6, 7, 9, 12, 13, 16, 17, 18, 19, 20, 21 and Lot 4a of Block 4 of H&H Estates Subdivision, all located in the NW1/4 SE1/4 and NE1/4 SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located northeast of the Intersection of Hacienda Street and Williams Street and west of Plateau Lane.
173. No. 08SV053 - A request by Matt Benne for Angie Charlson for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Cliff Drive and to reduce the pavement width from 27 feet to 20 feet and 18 feet along Cliff Drive; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the 30 foot wide private roadway easement, to reduce the pavement width from 20 feet to 12 feet along the 30 foot wide private roadway easement and to reduce the width of the private roadway easement from 45 feet to 30 feet; to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the 40 foot wide access and utility easement and to reduce the width of the access and utility easement from 45 feet to 40 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A, B, C and D of Lot 4R of Block 15 of Canyon Lake Heights Subdivision, located in the SE1/4 SE1/4, Section 8 and the SW1/4 SW1/4, Section 9, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 4R in Block 15 of Canyon Lake Heights Subdivision, as shown on the plat filed in Plat Book 28, Page 87 and as corrected by Affidavit recorded December 17, 1997 in Book 69, Page 9640, located in the SE1/4 SE1/4, Section 8 and the SW1/4 SW1/4, Section 9, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4560 Cliff Drive.
174. No. 08VE005 - A request by Renner & Assoc. for Pete Lien & Sons for a **Vacation of Access Easement** on a 50 foot wide Access Easement, located in the SE1/4 NE1/4, Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located southwest of the intersection of Zenker Place and Sturgis Road.

Continue the following items until December 15, 2008:

175. No. 08CA037 - A request by TSP, Inc. for Black Hills Corporation for an **Amendment to the Adopted Comprehensive Plan to change the Future Land Use Plan from Planned Residential Development with 6.7 dwelling units per acre to Office Commercial District with a Planned Commercial Development** on the SW1/4 of the SW1/4, and that part of the NW1/4 of the SW1/4 lying south of Highway Right-of-way, less Lot H1, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Catron Boulevard and east of Tartan Court.
176. No. 08CA038 - A request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the Future Land Use designation from a Planned Residential Development with one dwelling unit per acre to General Commercial with a Planned Commercial Development** on Tract AR2 of Needles Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1700 Catron Boulevard.

177. No. 08CA039 - A request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the Future Land Use designation from Planned Residential Development with one dwelling unit per acre to General Commercial with a Planned Commercial Development** on Tract A of Meadow View Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Catron Boulevard and east of S.D. Highway 16.
178. No. 08RZ027 - Second Reading, Ordinance 5416, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Kent and Karin Hagg for a **Rezoning from Low Density Residential District to General Agriculture District** of Open Space and Open Space with Major Drainage and Utility Easement, Block 3, South Hill Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Catron Boulevard and north, west and south of Wellington Drive.
179. No. 08RZ034 - Second Reading, Ordinance 5445, 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 Roy Burr for a **Rezoning from General Agriculture District to Low Density Residential District** on a portion of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 7 of Block 2 of The Villaggio at Golden Eagle, common to a point on the southerly boundary of Lot 1R of Tract B of Springbrook Acres, intersecting a 1/64 section line of said Section 22, and the Point of Beginning; Thence, first course: S00°04'39"E, along the westerly boundary of said Lot 7 of Block 2, common to a 1/64 section line of said Section 22, a distance of 112.55 feet, to an interior 1/64 section corner of Section 22, common to an angle point on the westerly boundary of said Lot 7 of Block 2; Thence, second course: S00°08'13"E, along the westerly boundary of said Lot 7 of Block 2, common to a 1/64 section line of said Section 22, a distance of 19.96 feet, to the southwesterly corner of said Lot 7 of Block 2, common to the northwesterly corner of Lot 6 of Block 2 of The Villaggio at Golden Eagle; Thence, third course: S00°08'13"E, along the westerly boundary of said Lot 6 of Block 2, common to a 1/64 section line of said Section 22, a distance of 104.33 feet, to the southwesterly corner of said Lot 6 of Block 2, common to the northwesterly corner of Lot 5 of Block 2 of The Villaggio at Golden Eagle; Thence, fourth course: S00°08'13"E, along the westerly boundary of said Lot 5 of Block 2, common to a 1/64 section line of said Section 22, a distance of 95.12 feet, to the southwesterly corner of said Lot 5 of Block 2, common to an angle point on the northerly boundary of Lot 4R of Block 2 of The Villaggio at Golden Eagle; Thence, fifth course: S61°38'29"W, along the northwesterly boundary of said Lot 4R of Block 2, a distance of 200.00 feet, to the southwesterly corner of said Lot 4R of Block 2, common to the northwesterly corner of Lot 3R of Block 2 of The Villaggio at Golden Eagle; Thence, sixth course: S26°45'22"E, along the westerly boundary of said Lot 3R of Block 2, a distance of 106.66 feet, to the southwesterly corner of said Lot 3R of Block 2, common to the northwesterly corner of Lot 2R of Block 2 of The Villaggio at Golden Eagle; Thence, seventh course: S26°45'22"E, along the westerly boundary of said Lot 2R of Block 2, a distance of 34.44 feet to a point on the westerly boundary of said Lot 2R of Block 2; Thence, eighth course: S89°51'47"W, a distance of 237.22 feet; Thence, ninth course: N00°08'13"W, a distance of 441.23 feet, to a point on a 1/64 section line of said Section 22; Thence, tenth course: N50°09'55"E, a distance of 243.07 feet, to a point on the southerly boundary of Lot 1R of Tract B of Springbrook Acres; Thence, eleventh course: S56°59'57"E, along the southerly boundary of said Lot 1R of Tract B of Springbrook Acres, a distance of 91.30 feet, to an angle point on the southerly boundary of said Lot 1R of Tract B of Springbrook Acres; Thence, twelfth course: N85°50'49"E, along the southerly boundary of said Lot 1R of Tract B of Springbrook Acres, a distance of 87.08 feet, to the northwesterly corner of Lot 7 of Block 2 of The Villaggio at Golden Eagle, common to a point on the southerly boundary

of said Lot 1R of Tract B of Springbrook Acres, intersecting a 1/64 section line of said Section 22, and the Point of Beginning, located north of Catron Boulevard and west of Golden Eagle Drive.

180. No. 08RZ035 - Second Reading, Ordinance 5437, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by TSP, Inc. for Black Hills Corporation for a **Rezoning from General Agriculture District to Office Commercial District** on the SW1/4 of the SW1/4, and that part of the NW1/4 of the SW1/4 lying south of Highway Right-of-way, less Lot H1, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Catron Boulevard and east of Tartan Court.
181. No. 08RZ038 - Second Reading, Ordinance 5446, 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 Park Forest District to Flood Hazard District** on Lot 1B of Block 3 of Jackson Park Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Chapel Lane and south of Jackson Boulevard.
182. No. 08RZ039 - Second Reading, Ordinance 5447, 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 Low Density Residential District to Flood Hazard District** on Lots 5 thru 6 of Block 1 of Jackson Park Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2917 Chapel Lane.
183. No. 08RZ040 - Second Reading, Ordinance 5448, 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 Light Industrial District** on Lots 6 thru 8 of Block 2 of I-90 Heartland Business Park, a portion of Reardon Court, all less the south 33 feet, all located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Seger Drive, west of Elk Vale Road and east of Dyess Avenue.
184. No. 08RZ041 - Second Reading, Ordinance 5449, 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 a portion of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at section corner common to Sections 20, 21, 28, and 29 T2N, R8E, BHM, and the point of beginning. Thence, first course: N00°02'15"W, along the section line common to Sections 20 and 21, a distance of 2650.74 feet, to the Section ¼ Corner common to Sections 20 and 21; Thence second course: N00°00'41"W, along the section line common to Sections 20 and 21, a distance of 1325.18 feet, to the north Section 1/16 Corner common to Sections 20 and 21; Thence third course: N89°59'19"E, a distance of 33.10 feet, to the southwesterly corner of Lot 3 of Beard Subdivision; Thence fourth course: S89°56'52"E, along the southerly boundary of said Lot 3 of Beard Subdivision, a distance of 564.86 feet, to the southeasterly corner of said Lot 3 of Beard Subdivision, common to a southerly corner of Lot 2R of Beard Subdivision; Thence fifth course: S89°56'31"E, along the southerly boundary of said Lot 2R of Beard Subdivision, a distance of 727.10 feet, to the southeasterly corner of said Lot 2R of Beard Subdivision; Thence, sixth course: S74°37'29"E, a distance of 1202.78 feet; Thence, seventh course: S31°45'55"E, a distance of 1350.20 feet; Thence, eighth course: S70°52'51"E, a distance of 905.89 feet; Thence, ninth course: S20°31'58"E, a distance of 434.44 feet; Thence tenth course: N89°55'51"E, a distance of 1099.64 feet, to a point on the section line common to Sections 21, and 22; Thence eleventh course: S00°04'09"E, along the section line common to Sections 21 and 22, a distance of 418.04 feet;

Thence, twelfth course: S89°55'51"W, a distance of 450.00 feet; Thence, thirteenth course: S00°07'41"E, a distance of 64.98 feet, to a point on the section 1/16 line; Thence, fourteenth course: N89°57'24"W, along the section 1/16 line a distance of 212.93 feet, to the section 1/64 line; Thence, fifteenth course: S00°03'47"E, along the section 1/64 line, a distance of 1324.19 feet, to a point on the section line common to Sections 21 and 28, common to a point on the northerly boundary of Lot 2, Block 2 of I-90 Heartland Business Park; Thence, sixteenth course: N89°58'46"W, along the section line common to Sections 21 and 28, common to the northerly boundary of said Lot 2, Block 2, a distance of 63.55 feet, to the southeasterly corner of Lot 6, Block 2 of I-90 Heartland Business Park; Thence, seventeenth course: N55°40'20"W, along the northeasterly boundary of said Lot 6, a distance of 878.48 feet, to a corner on the northerly boundary of said Lot 6; Thence, eighteenth course: N72°39'36"W, along the northerly boundary of said Lot 6, a distance of 162.98 feet, to a corner on the northerly boundary of said Lot 6; Thence nineteenth course: N89°58'06"W, along the northerly boundary of said Lot 6, a distance of 148.07 feet, to the northwesterly corner of said Lot 6, common to the northeasterly corner of Lot 7, Block 2 of I-90 Business Park; Thence twentieth course: N89°58'06"W, along the northerly boundary of said Lot 7, a distance of 221.93 feet, to the northwesterly corner of said Lot 7; Thence twenty-first course: S26°44'43"W, along the westerly boundary of said Lot 7, a distance of 333.04 feet, to the southwest corner of said Lot 7, common to the northwesterly corner of Lot 8, Block 2 of I-90 Heartland Business Park; Thence twenty-second course: S26°44'43"W, along the westerly boundary of said Lot 8, a distance of 275.39 feet, to the southwest corner of said Lot 8, common to the northwesterly corner of Lot 1, Block 7 of I-90 Heartland Business Park, common to the northeasterly corner of Lot 2, Block 7 of I-90 Heartland Business Park, common to a point on the section line common to Sections 21 and 28; Thence twenty-third course: N89°58'00"W, along the northerly boundary of said Lot 2, Block 7, common to the section line common to Sections 21 and 28, a distance of 400.61 feet, to the northwesterly corner of said Lot 2, Block 7, common to the Section ¼ Corner common to Sections 21 and 28; Thence twenty-fourth course: N89°58'52"W, along the section line common to Sections 21 and 28, a distance of 2651.70 feet, to the section corner common to Sections 20, 21, 28, and 29 T2N, R8E, BHM, and the point of beginning; and a portion of the NE¼ SE¼, Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 21, 22, 27 and 28, T2N, R8E, BHM, thence, N00°04'09"W, a distance of 1324.14 feet to the South 1/16 Corner common to Sections 21 and 22 and the point of beginning; Thence, first course: 89°57'24"W, a distance of 449.93 feet; Thence, second course: N00°07'41"W, a distance of 64.98 feet; Thence, third course: N89°55'51"E, a distance of 450.00 feet, to a point on the section line common to Sections 21 and 22; Thence fourth course: S00°04'09"E, along the section line common to Sections 21 and 22, a distance of 65.89 feet, to the south 1/16 corner common to Sections 21 and 22 and the point of beginning, located north of U.S. I-90, west of Elk Vale Road and east of Dyess Avenue.

185. No. 08RZ042 - Second Reading, Ordinance 5450, 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 General Commercial District** on Tract AR2 of Needles Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1700 Catron Boulevard.
186. No. 08RZ043 - Second Reading, Ordinance 5451, 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 General Commercial District** on Tract A of Meadow View Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Catron Boulevard and east of S.D. Highway 16.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by LaCroix, seconded and carried to close the public hearing on- Items 149 – 191

CONSENT PUBLIC HEARING ITEMS – Item 187 - 188

Alcohol Licenses

Motion was made by Kooiker and seconded to approve South Dakota Vending, Inc. dba **Happy Jacks Too**, 909 St. Patrick St for a Retail (On-Off Sale) Malt Beverage License TRANSFER location only. Motion carried with LaCroix abstaining.

Assessment Rolls

Motion was made by Kooiker, seconded and carried to (No. PW101408-08), approve Resolution Levying Assessment for Sidewalk Improvements Project No. SWK08-1695.

RESOLUTION LEVYING ASSESSMENT FOR
SIDEWALK IMPROVEMENTS PROJECT NO. SWK08-1695

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the sidewalk improvement project is the amount stated in the proposed assessment roll.
2. The assessment roll for Sidewalk Improvements Project No. SWK08-1695 is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in five annual installments bearing interest at the rate not to exceed nine percent (9%).

Dated this 17th day of November, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 189 – 191

The Mayor presented (No. 08CA033), a request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan adopting the Deadwood Avenue Neighborhood Area Future Land Use Plan** on property legally described as portions of Sections 8, 9, 10, 11, 12, 13, 17, 20, 24, 25, 26, 28, 29, 33, 34 and 35, Township 2 North, Range 7 East, BHM, Pennington County, South Dakota, and all of Sections 14, 15, 16, 21, 22, 23, and 27, BHM, Township 2 North, Range 7 East,

Pennington County, South Dakota, more generally described as being located north of Omaha Street/West Chicago Street, east of SD Highway 231 (Sturgis Road), south of the Pennington County line, and west of Haines Avenue, Pennington County, South Dakota. The following resolution was introduced, read, and Kroeger moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 6th day of October, 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 incorporate the City of Rapid City's Deadwood Avenue Neighborhood Area Future Land Use Plan into the Comprehensive Plan; and

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

WHEREAS, the Rapid City Common Council finds that it is in the best interest of the City of Rapid City to amend the Comprehensive Plan by adopting the Deadwood Avenue Neighborhood Area Future Land Use Plan.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be amended to incorporate the City of Rapid City's Deadwood Avenue Neighborhood Area Future Land Use Plan, along with the accompanying maps, plats, charts and descriptive and explanatory matter, as attached to the original hereof and that such amendment be filed with the City Finance Office

Dated this 17th day of November, 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: Olson, Kroeger, Hadcock, Martinson, Weifenbach, Okrepkie, and Chapman; NO: None; ABSTAINING: Kooiker; whereupon said resolution was declared duly passed and adopted.

The Mayor presented (No. 08CA034), a request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to revise the Major Street Plan by eliminating, adding and realigning arterial and collector streets in the Deadwood Avenue Neighborhood Area Future Land Use Plan** on property legally described as portions of Sections 8, 9, 10, 11, 12, 13, 17, 20, 24, 25, 26, 28, 29, 33, 34 and 35, Township 2 North, Range 7 East, BHM, Pennington County, South Dakota, and all of Sections 14, 15, 16, 21, 22, 23, and 27, Township 2 North, Range 7 East, BHM, Pennington County, South Dakota, more generally described as being located north of Omaha Street/West Chicago Street, east of SD Highway 231 (Sturgis Road), south of the Pennington County line, and west of Haines Avenue, Pennington County, South Dakota. The following resolution was introduced, read, and Kroeger moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 6th day of October, 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 revise the Major Street Plan by eliminating, adding and realigning arterial and collector streets within the Deadwood Avenue Future Land Use Neighborhood Area, on property legally described as portions of Sections 8, 9, 10, 11, 12, 13, 17, 20, 24, 25, 26, 28, 29, 33, 34 and 35, Township 2 North, Range 7 East, Pennington County, South Dakota, and all of Sections 14, 15, 16, 21, 22, 23, and 27, Township 2 North, Range 7 East, Pennington County, South Dakota, more generally described as being located north of Omaha Street/West Chicago Street, east of South Dakota Highway 231 (Sturgis Road), south of the Pennington County line, and west of Haines Avenue, Pennington County, South Dakota; and

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

WHEREAS, the Rapid City Common Council finds that it is in the best interest of the City of Rapid City to amend the Major Street Plan by eliminating, adding and realigning arterial and collector streets within the Deadwood Avenue Neighborhood Area Future Land Use Plan.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Major Street Plan component of the Comprehensive Plan of the City of Rapid City be amended by eliminating, adding and realigning arterial and collector streets within the Deadwood Avenue Future Land Use Neighborhood Area, on property legally described as portions of Sections 8, 9, 10, 11, 12, 13, 17, 20, 24, 25, 26, 28, 29, 33, 34 and 35, Township 2 North, Range 7 East, Pennington County, South Dakota, and all of Sections 14, 15, 16, 21, 22, 23, and 27, Township 2 North, Range 7 East, Pennington County, South Dakota, more generally described as being located north of Omaha Street/West Chicago Street, east of South Dakota Highway 231 (Sturgis Road), south of the Pennington County line, and west of Haines Avenue, Pennington County, South Dakota, along with the accompanying maps, plats, charts and descriptive and explanatory matter, as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 17th day of November, 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: Olson, Kroeger, Hadcock, Martinson, Weifenbach, Okrepkie, and Chapman; NO: None; ABSTAINING: Kooiker; whereupon said resolution was declared duly passed and adopted.

The Mayor presented (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. Motion was made by Kroeger, seconded, and carried to continue the Variance to the December 1, 2008 City Council meeting.

BILLS

The following bills having been audited, motion was made by Chapman, 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 10-31-08, Paid 10-31-08	1,199,117.47
Payroll Paid Ending 10-25-08, Paid 10-31-08	774,604.40
Payroll Paid Ending 10-25-08, Paid 10-31-08	2,969.60
Pioneer Bank, Taxes Paid 10-31-08	302,170.33
Pioneer Bank, Taxes Paid 10-31-08	194,890.86
Pioneer Bank, Taxes Paid 10-31-08	223.35
Berkley Risk Administrators, October claims	36,718.13
First Administrators, claims paid 11-5-08	108,900.61
First Administrators, claims paid 11-12-08	89,295.32
Computer Bill List	<u>3,430,194.00</u>
Subtotal	\$6,139,084.07
Payroll Paid Ending 10-25-08, Paid 10-31-08	2,745.03
Pioneer Bank, Taxes Paid 10-31-08	209.99
City of Rapid City, postage	1.97
City of Rapid City, health insurance	917.50
Knology, phone	28.75
Metropolitan Life Insurance, life insurance	<u>6.42</u>
Subtotal	\$6,142,993.73
Pennington County Treasurer, property taxes	<u>48,338.39</u>
Total	\$6,191,332.12

Motion was made by Kooiker, seconded, and carried to reconsider agenda item 143 - No. LF101508-22 – Authorize the Mayor and Finance Officer to Sign Developer’s Agreement with Hidden Valley, Inc. for Tax Increment District Number 61; and item 144 - No. LF101508-23 – Authorize the Mayor and Finance Officer to Sign Revised Developer’s Agreement with Signature Development Company, LLC for Tax Increment District Number 61. Marcia Elkins addressed the Council and said she reviewed the interest rates for TID 61 and the interest rates are shown correctly as they were presented at this meeting.

Motion was made by Okrepkie, seconded and carried to (No. LF101508-22), Authorize the Mayor and Finance Officer to Sign Developer’s Agreement with Hidden Valley, Inc. for Tax Increment District Number 61; and to (No. LF101508-23), Authorize the Mayor and Finance Officer to Sign Revised Developer’s Agreement with Signature Development Company, LLC for Tax Increment District Number 61.

EXECUTIVE SESSION permitted by SDCL 1-25-2

Motion was made by Kooiker seconded by Olson to go into Executive Session at 9:01 P.M. for the reasons permitted by SDCL 1-25-2. Motion carried. The Council came out of Executive Session at 9:36 P.M. with all members present.

STAFF DIRECTION

Motion was made, seconded, and carried to authorize staff to extend an offer to purchase real estate from the school district in accordance with the discussion in executive session.

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 9:37 P.M.

ATTEST:

CITY OF RAPID CITY

Finance Office

Mayor

(SEAL)