

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

October 20, 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, October 20, 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, 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: Lloyd LaCroix.

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 Steven Allender, and Administrative Coordinator Jackie Gerry.

ADOPTION OF AGENDA

The following items were added to the agenda:

- Recommend that Growth Management Director Marcia Elkins be appointed to the Board of Freeholders replacing Finance Officer Jim Preston
- Set a Special Council meeting to canvass November 4, 2008 municipal election results
- Alderman recognition, Alderman Hadcock

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

APPROVE MINUTES

Motion was made by Hadcock, seconded, and carried to approve the minutes for October 6, 2008, and special Council for September 29, 2008, September 30, 2008, October 14, 2008 and October 15, 2008.

AWARDS AND RECOGNITIONS

Mayor Hanks presented the Veteran of the Month for October, 2008 to Terry D. Vance and recognized his efforts and dedication to the service of his country and community.

The Mayor presented Certificates of Recognition to the following City employees acknowledging their years of dedicated service to the Rapid City community – Charlene Smith, Rapid City Regional Airport - 20 years; Stanley Kennard, Rapid City Regional Airport - 30 years; Rodell Grosz, Rapid City Public Works Department - 35 years; and Kay Rippentrop, Mayor's Office - 40 years.

Finance Officer Preston administered the Loyalty Oath to Wade Nyberg, Assistant City Attorney and Mayor Hanks presented Wade with a Certificate of Appointment.

GENERAL PUBLIC COMMENT

Chuck Farrar, Rapid City addressed the need for the extension of City utilities to the Deadwood Avenue, indicating that they are important in order to allow him to plat and develop his property.

NON-PUBLIC HEARING ITEMS -- Items 4 - 77

Motion was made by Hadcock, seconded, and carried to open public comment on Items 4 – 62. No comments were offered. Motion was made by Hadcock, seconded, and carried to close public comment on Items 4 – 62.

CONSENT ITEMS – Items 4 - 62

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 (November 3, 2008)

4. ERJ Dining IV, LLC dba **Chili's Grill and Bar**, 2125 Haines Avenue for a Retail (On-Sale) Liquor License with Sunday Operation TRANSFER from Brinker Restaurant Corporation dba Chili's Grill and Bar, 2125 Haines Avenue
5. Big Horn Holdings, LLC dba **The Black Hills Store**, 2200 N. Maple Avenue, KIOSK Location for a Package (Off-Sale) Malt Beverage and SD Farm Wine, not eligible for video lottery
6. Big Horn Holdings, LLC dba **The Black Hills Store**, 2200 N. Maple Avenue, Space No. 316 for a Package (Off-Sale) Malt Beverage and SD Farm Wine, not eligible for video lottery
7. **Rapid City Fine Arts Center, Inc.** for a special Beer and Wine License for an event scheduled November 14, 2008 at Dahl Arts Center, 713 Seventh Street
8. **Rapid City Fine Arts Center, Inc.** for a special Beer and Wine License for an event scheduled January 17, 2009 at Dahl Arts Center, 713 Seventh Street

Public Works Committee Consent Items

9. Approve change of the November 11, 2008 Public Works Committee meeting to Wednesday, November 12, 2008 at 1:30 p.m. or immediately following the Legal/Finance Committee meeting
10. No. PW101408-01 – Approve Change Order No. 1 for Canyon Lake Maintenance Shop Project No. GB08-1714 to SECO Construction, Inc. for an increase of \$2,993.00
11. No. PW101408-02 – Approve Change Order No. 1 for Secondary Digester Cover and Gas Mixing Equipment Replacement Project No. WRF07-1549A to Heavy Constructors, Inc. for an increase of \$999.70
12. No. PW101408-09 – Approve Change Order No. 1F for Fifth Street Parking Project No. IDP08-1737 / CIP No. 50734 to Hills Materials Company for an increase of \$4,729.28
13. No. PW101408-10 – Approve Change Order No. 2 for 2008 Street Rehabilitation (Various Locations) Project No. ST08-1721 / CIP No. 50549 to J & J Asphalt Company for a decrease of \$30,190.59
14. No. PW101408-11 – Approve Change Order No. 2F for Byrnwood Area Street Project No. ST06-1706 / CIP No. 50721 to Simon Contractors of South Dakota, Inc. for decrease of \$8,509.30
15. No. PW101408-12 – Approve Change Order No. 1F for Asphalt Paving Repair at Materials Recovery Facility / Co-Compost Plant, Project No. SWO08-1733 / CIP No. 50731 to Hills Materials Company for an increase of \$4,047.78
16. No. PW101408-13 – Approve Change Order No. 2 for 43rd Court Water Main Reconstruction Project No. ST06-1529 / CIP No. 50606 to Simon Contractors of SD, Inc. for an increase of \$32,679.72
17. No. PW101408-14 – Approve Change Order No. 2 for East Highway 44 Utilities Reconstruction Project No. SSW05-1469 / CIP No. 50479 to Heavy Constructors, Inc. for an increase of \$2,216.26
18. No. PW101408-16 – Approve Change Order No. 1 for Saint Andrew Street Reconstruction Project No. ST07-1604 / CIP No. 50410 to Shovelhead Excavating, Inc. for an increase of \$15,642.00
19. No. PW101408-07 – Authorize Staff to Advertise for Bids for one new Automated Solid Waste Collection Truck
20. No. PW101408-18 – Authorize Mayor and Finance Officer to sign Addendum No. 1 to a Professional Services Agreement with Ferber Engineering Company, Inc. for wetland mitigation monitoring for the East Mall Drive Connection Project No. ST06-1334b / CIP No. 50521 in the amount of \$14,500

- 21. No. PW101408-03 – Authorize Mayor and Finance Officer to sign Amendment No. 1 to a Professional Services Agreement with CETEC Engineering Services, Inc. for Well No. 12 and Stoney Creek Booster Station Project No. W03-953 / CIP No. 50318 in the amount of \$25,337.50
- 22. No. PW101408-04 – Authorize Mayor and Finance Officer to sign a Professional Services Agreement with Ferber Engineering Company, Inc. for Universal Drive Reconstruction Project No. ST08-1701 in the amount of \$14,790
- 23. No. PW101408-05 - Authorize staff to seek proposals for design and construction administration services for the Main Fire Station No. 1 (10 Main Street) Project No. FD08-1766
- 24. No. PW101408-06 – Authorize staff to negotiate a consultant agreement with Baffuto Architectura for the Design and Construction Administration of Fire Station No. 7 Project No. FD08-1767
- 25. No. PW101408-08 – Approve a resolution fixing time and place for hearing on November 17, 2008 for the assessment roll for Sidewalks Improvements Project No. SWK08-1695

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON
ASSESSMENT ROLL 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 assessment roll for Sidewalk Improvements Project SWK08-1695 was filed in the Finance Office on the 20th day of October, 2008. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, November 17, 2008 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
- 2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time and place of hearing thereon, that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
- 3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated 20th this day of October, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 26. No. PW101408-15 – Authorize staff to seek proposals for engineering services for the West Chicago Area Watermain Reconstruction Project W08-1763 / CIP #50282
- 27. No. 08RD003 - Approve a request by City of Rapid City to consider an application for a **Resolution for Road Name Change** from South Highway 79 Service Road to Bridge View Drive on Right-of-Way lying adjacent to Lot 12 Less Lot H-1, Lot 11 Less Lot H1, Lot 10 Less Lot H1, Lot 9 Less, Lot H-1, Lot 8 Less Lot H1, Lot 7 Less Lot H1, Lot 6 Less Lot H1, Lot 5 Less Lot H1, Lot 4 Less Lot H1, Lot 3 Less Lot H1, Lot 1 Less Lot H1; Lot 2 Less Lot H1 all of Block 1; Lot 1, Lot 2, Lot 3a of Lot 3, Lot 3b of Lot 3 Less Lot H1, Lot 4R Less Lot H1 all of Polar Bear Subdivision; and the West 650

feet of East 700 feet of the South 372.5 feet of NE¼ SE¼, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to South S.D. Highway 79 and East St. Joseph Street and east of Wilma Street.

RESOLUTION RENAMING SOUTH HIGHWAY 79
SERVICE ROAD TO BRIDGE VIEW DRIVE

BE IT RESOLVED, by the City of Rapid City, that the South Highway 79 Service Road lying adjacent to Lot 12 Less Lot H-1, Lot 11 Less Lot H1, Lot 10 Less Lot H1, Lot 9 Less, Lot H-1, Lot 8 Less Lot H1, Lot 7 Less Lot H1, Lot 6 Less Lot H1, Lot 5 Less Lot H1, Lot 4 Less Lot H1, Lot 3 Less Lot H1, Lot 1 Less Lot H1; Lot 2 Less Lot H1 all of Block 1; Lot 1, Lot 2, Lot 3a of Lot 3, Lot 3b of Lot 3 Less Lot H1, Lot 4R Less Lot H1 all of Polar Bear Subdivision; and the West 650 feet of East 700 feet of the South 372.5 feet of NE¼ SE¼, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota be, and is hereby, renamed to Bridge View Drive.

Dated 20th this day of October, 2008.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

28. No. 08TP027 – Approve the Draft 2009 Unified Planning Work Program for the Rapid City Area Metropolitan Planning Organization
29. No. 08TP028 - Authorize Mayor and Finance Officer to Sign a No Cost, Time Extension with Kadmas Lee & Jackson to March 31, 2009 for the Mount Rushmore Road Central Corridor Analysis
30. No. 08TP029 - Authorize Mayor and Finance Officer to Sign a No Cost, Time Extension with HDR Engineering, Inc. to December 31, 2008 for the Sheridan Lake Road, Jackson Boulevard to Deadwood Avenue Traffic Analysis and Route Alignment Study
31. No. 08TP030 – Authorize Mayor and Finance Officer to Sign a No Cost, Time Extension with SRF Consulting Group, Inc. to December 31, 2008 for the 2009 – 2013 Transit Development Plan

Legal & Finance Committee Consent Items

32. No. LF101508-01 – Confirm appointment of Blaise Emerson to the Solid Waste Sub-Committee at the request of Public Works Director Robert Ellis
33. No. LF101508-02 – Confirm reappointment of Bob Riggio (Three Year Term), appointment of Bill Waugh (Three Year Term), and appointment of Clint Allen (Two Year Term) to the Air Quality Board
34. No. LF101508-03 – Confirm appointment of Rich Dunkelberger to serve an unexpired term and Josh Uhre and Diane Heinis to serve a three year term on the BID Board
35. No. LF101508-04 – Confirm appointment of Brian Pitts, Frank Bettmann, Joan Martin, Malcom Chapman, Ron Weifenbach, Bill Okrepkie, Karen Bulman, Rod Johnson, and Dale Tech with a recommendation of an additional person to be appointed from the Rapid City Youth Soccer League to the committee to work with Soccer Rapid City
36. Request the Mayor's office to call the Council member requesting information and let them know the information is available
37. Request staff to draft an ordinance to implement the administrative approval of business licenses
38. Acknowledge report on Economic Development
39. No. LF101508-05 – Approve Travel Request for Michaela Schanz to attend Introduction to Fingerprint Identification in St. Paul, MN, November 16-22, 2008 in the approximate amount of \$1,496.95

40. No. LF101508-06 – Approve Travel Request for Steve Allender and approximately 35 members of the Police Department to attend Annual Goals Meeting at the Rushmore Plaza Civic Center January 7-9, 2009 in the approximate amount of \$500
41. No. LF101508-07 – Authorize Mayor and Finance Officer to sign Second Revised Memorandum of Agreement with the City of Presidents Foundation to Allow Additional Sculpture Locations
42. No. LF071608-02 - Request the Mayor create a small task force to look at all the recommendations that have come forward regarding the Downtown Parking Plan and to come forward with a recommendation
43. No. LF101508-11 – Authorize Mayor and Finance Officer to sign Revised Agreement with Fisher Beverage, Inc. for the Completion of Landscaping Site Improvements for the Issuance of a Certificate of Occupancy
44. Acknowledge the following volunteer for workmen's compensation purposes: Dustin Boettcher
45. No. LF100108-08 – Authorize Mayor and Finance Officer to sign the Agreement for Professional Services for the City of Rapid City and the Rushmore Plaza Civic Center By and Between the City of Rapid City and the Rapid City Area Chamber of Commerce
46. No. LF101508-13 – Approve Travel Request for Keith L'Esperance to attend National Public Risk Management Conference in Dallas, TX, May 30-June 4, 2009, in the approximate amount of \$1,925
47. No. LF101508-15 – Authorize Mayor and Finance Officer to sign Contract for Wellness Screening Services with Rapid City Regional Hospital, Inc.
48. No. LF101508-16 - Authorize Mayor and Finance Officer to sign Amendment to the Administrative Services Agreement for Plan Number 301875 to Add Blue Line 457 Plan to the City's ICMA 457 Plan
49. No. LF101508-17 – Authorize Mayor and Finance Officer to sign Professional Services Contract with Latitude Geographics Group Ltd.
50. No. LF101508-18 – Approve Travel Request for Stacey Titus and John Wagner to Conduct Water Treatment Plant Membrane Filter Evaluations in Denver, CO, October 28-30, 2008 in the approximate amount of \$1,528 as part of the Professional Services Contract with Burns & McDonnell
51. No. LF101508-26 - Authorize Mayor and Finance Officer to sign an agreement with Simon Contractors of South Dakota, Inc. for PETT Building Parking Lot
52. No. LF101508-19 – Approve Travel Request for James J. Walraven to attend the 2009 Golf Course Superintendents Association of America Education Conference and Golf Industry Show, February 2-7, 2009 in New Orleans, LA in the approximate amount of \$1,544
53. No. LF101508-20 – Approve Travel Request for Recreation Specialist Jeff Richardt to attend the National Executive Development School in Albuquerque, NM, December 3-6, 2008 in the approximate amount of \$1,786
54. No. LF101508-21 – Approve Travel Request for Mike Schad to attend the Government Civil Practice Course in Savannah, GA, December 7-11, 2008 in the approximate amount of \$2,735
55. No. LF100108-16 – Authorize Mayor and Finance Officer to sign Second Amended Contract Between City of Rapid City and DTH, LLC for Private Development Tax Increment District Number 54
56. No. LF100108-17 – Authorize Mayor and Finance Officer to sign Agreement Between City of Rapid City and DTH, LLC Regarding the Project Responsibilities and Project Cash Flow for the Construction of a Water Reservoir and Water Booster Station for Tax Increment District Number 54, Rainbow Ridge
57. Acknowledge the report on City-Owned Property
58. Approve the following licenses: Residential Contractor: Doug Kindle, Doug Kindle Construction; John Charlson, Wolf Creek Enterprises; Mike Keller, Mike Keller Construction; and Douglas Lloyd; Electrical Journeyman: Justin Wood; Mechanical Installer: Danny Hayes; Sewer and Water Journeyman: Tom Harmon, Heavy Constructors; Sewer and Water Journeyman: Richard Meyer, Heavy Constructors

Growth Management Department Consent Items

59. No. 08PL016 - A request by Renner & Associates for Pete Lien and Sons for a **Preliminary Plat** on Lots 1 thru 2 of Keller Subdivision and Tract 1 of Schaeferville Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of the NE1/4; Lot 1 of Limestone Tunnel Subdivision; Lot B of the NW1/4 of the NE1/4; Lots 1 thru 3 of Block 1 and vacated Feist Road of Feist Addition; Lots 1 thru 4 of Lot 1 of the NE1/4 of the NE1/4; Lot A, Lots 1 thru 6 of Lot B, and a Subdivision of Lot1C; Lot X and Y, a Subdivision of Lot 1D: Lots A, B, and C of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located north and south of Universal Drive and west of Sturgis Road. (PRELIMINARY PLAT IS DENIED WITHOUT PREJUDICE.)
60. No. 08PL070 - A request by Michael and Susan Bergstresser and Elmer E. and Barbara Storm for a **Preliminary and Layout Plat** on Lots 2R and 3R, formerly Lots 2 thru 6 less Lot H1, located in the SE1/4 of the NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lots 2 thru 6 less Lot H1, located in the SE1/4 of the NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, located at 6417 South Canyon Road. (APPROVE LAYOUT AND PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to identify any portion of the land in or adjacent to the subdivision subject to periodic inundation by storm drainage, overflow or ponding; 2. Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension and/or existing water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If the existing private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval demonstrating that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed; 3. Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If the existing individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by the City Council, a Master Utility Plan shall be submitted for review and approval; 5. Prior to Preliminary Plat approval by the City Council, construction plans for South Canyon Road shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 6. Prior to Preliminary Plat approval by the City Council, a lot size Variance from the Pennington County Zoning Board of Adjustment shall be obtained to allow a 1.655 acre lot and a 1.659 acre lot, respectively, in lieu of a minimum 40 acre lot as per the General Agriculture District or the property shall be rezoned to allow the proposed lot sizes with Pennington County; 7. Prior to Preliminary Plat approval by the City Council, a drainage plan and a grading plan as well as an erosion and sediment control plan shall be submitted for review and approval if subdivision improvements are required; 8. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 9. Prior to submittal of a Final Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided; 10. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along South Canyon Road except for the approved approach location(s); 11. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along South Canyon Road or a Variance to the

Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s); 12. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented; 13. Prior to submittal of a Final Plat application, the plat title shall be revised to read "Plat of Lots 2R and 3R of SE1/4NW1/4 of Section 31, T2N, R7E (Formerly Lots 2, 3, 4, 5 and 6 less Lot H1 of SE1/4 NW1/4 of Section 31, T2N, R7E) all located in SE1/4 of NW1/4 of Section 31, T2N, R7E, BHM, Pennington County, South Dakota"; 14. Prior to submittal of a Final Plat application, the plat document shall be revised to show the Certificates of Title for a Final Plat in lieu of the Certificates of Title for a Minor Plat; 15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.)

61. No. 08PL132 - A request by Sperlich Consulting, Inc. for Lifestyle Homes for a **Preliminary Plat** on Lots 54A and 54B of Village on the Green No. 2 Subdivision, located in the NW1/4 NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 54 of the Village on the Green No. 2 Subdivision, located in the NW1/4 NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, located adjacent to the south side of Mulligan Mile. (APPROVE PRELIMINARY PLAT BE APPROVED WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing a sidewalk along both sides of Mulligan Mile or a Variance to the Subdivision Regulations shall be approved; 2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional 3.5 feet of right-of-way for Mulligan Mile or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and, 4. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)
62. No. 08PL133 - A request by Fisk Land Surveying & Consulting Engineers for U Lazy Two, LLC for a **Preliminary Plat** on Lots 1 and 2 of U Lazy Two Ranch Estates Subdivision, located in the SW1/4 SE1/4, that portion of the SE1/4 SW1/4 lying north of Nemo Road and the unplatted portion of the NE1/4 NW1/4 lying east of Nemo Road, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 SE1/4, that portion of the SE1/4 SW1/4 lying north of Nemo Road and the unplatted portion of the NE1/4 NW1/4 lying east of Nemo Road, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, located at 8970 Nemo Road. (APPROVE PRELIMINARY PLAT BE APPROVED WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, road construction plans for Nemo Road shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway located between proposed Lots 1 and 2 shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated; 3. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway located along the east lot line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;

4. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required or site grading is proposed; 5. Prior to Preliminary Plat approval by the City Council, a grading and drainage plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed; 6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; 8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 9. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.)

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – Items 63 - 77

Motion was made by Hadcock, seconded, and carried to open public comment on items 63 – 77. Brian Pitts addressed item 75 (PW101408-17), indicating that the Soccer Association has identified the proposed property as a viable location for a soccer complex; and asked the members of the Council to accept the warranty deed. Motion was made by Chapman, seconded, and carried to close public comment on items 63 – 77.

Ordinances

Ordinance No. 5426 (No. LF101508-14), Regarding Supplemental Appropriation No. 3 for 2008 was introduced. Motion was made by Kooiker, seconded and carried that Ordinance No. 5426 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 3, 2008.

At the request of the Chair, motion was made by Kooiker, seconded, and carried to reconsider item 35 (LF101508-04), confirm appointment of Brian Pitts, Frank Bettmann, Joan Martin, Malcom Chapman, Ron Weifenbach, Bill Okrepkie, Karen Bulman, Rod Johnson, and Dale Tech with a recommendation of an additional person to be appointed from the Rapid City Youth Soccer League to the committee to work with Soccer Rapid City.

Motion was made by Kooiker and seconded to confirm the appointments of Brian Pitts, Frank Bettmann, Joan Martin, Malcom Chapman, Ron Weifenbach, Bill Okrepkie, Karen Bulman, Rod Johnson, and Dale Tech; with the addition of Dan Davis, Bukar Beaumont, and Renae Kampa. Alderman Okrepkie indicated his concern about appointing Dan Davis because he is not an active member of the Soccer Association.

Substitute motion was made by Okrepkie to remove Dan Davis from consideration. The Chair declared the substitute motion died for lack of a second. Alderman Weifenbach suggested that Dan Davis should make the decision on whether to serve on the committee.

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

Ordinances

Ordinance No. 5429 (No. LF101508-08), Adopting the 2008 National Electric Code with Amendments by Amending Chapter 15.16 of the Rapid City Municipal Code was introduced. Motion was made by

Kooiker, seconded and carried that Ordinance No. 5429 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 3, 2008.

Ordinance No. 5431 (No. 08OA010), Adding Planned Developments as a Conditional Use in the General Agricultural Zoning District by Amending Section 17.34.030 of the Rapid City Municipal Code was introduced. Motion was made by Kooiker, seconded and carried that Ordinance No. 5431 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 3, 2008.

Ordinance No. 5432 (No. 08OA010), to Permit a Planned Residential Development and Planned Development Designation in the General Agricultural Zoning District by Amending Section 17.50.080 of the Rapid City Municipal Code was introduced. Motion was made by Kooiker, seconded and carried that Ordinance No. 5432 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 3, 2008.

Ordinance No. 5433 (No. 08OA010), to Permit a Planned Commercial Development and Planned Development Designation in the General Agricultural Zoning District by Amending Section 17.50.100 of the Rapid City Municipal Code was introduced. Motion was made by Kooiker, seconded and carried that Ordinance No. 5433 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 3, 2008.

Ordinance No. 5434 (No. 08OA011), 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 was introduced. Motion was made by Kooiker, seconded and carried that Ordinance No. 5434 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 3, 2008.

Ordinance No. 5435 (No. LF101508-09), Amending Chapter 15.40 to Address Fences and Walls in the Airport Zoning District by Adding Section 15.40.045 to the Rapid City Municipal Code was introduced. Motion was made by Kooiker, seconded and carried that Ordinance No. 5435 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 3, 2008.

Ordinance No. 5436 (No. LF101508-10), to Allow Electrified Fences and Barbed Wire Fencing in the Airport Zoning District by Amending Section 15.40.090 of the Rapid City Municipal Code was introduced. Motion was made by Kooiker, seconded and carried that Ordinance No. 5436 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 3, 2008.

Ordinance No. 5437 (No. 08RZ035), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by TSP Three, 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 was introduced. Motion was made by Kooiker, seconded and carried that Ordinance No. 5437 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 3, 2008.

Ordinance No. 5438 (No. 08RZ036), 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 15, 16, 21, and 22 T2N, R8E, BHM, and the point of beginning. Thence, first course: S00°04'09"E, along the section line common to Sections 21 and 22, a distance of 2648.28 feet, to the Section ¼ Corner common to Sections 21 and 22; Thence, second course:

S00°04'09"E, along the section line common to Sections 21 and 22, a distance of 840.24 feet; Thence, third course: S89°55'51"W, a distance of 1099.64 feet; Thence, fourth course: N20°31'58"W, a distance of 434.44 feet; Thence, fifth course: N70°52'51"W, a distance of 905.89 feet; Thence, sixth course: N31°45'55"W, a distance of 1350.20 feet; Thence seventh course: N74°37'29"W, a distance of 1202.78 feet, to the southeasterly corner of Lot 2R of Beaird Subdivision; Thence eighth course: N00°00'14"E, along the easterly boundary of said Lot 2R, a distance of 297.17 feet, to the northeasterly corner of said Lot 2R, common to the southeasterly corner of Lot 1R of Beaird Subdivision; Thence ninth course: N00°01'25"E, along the easterly boundary of said Lot 1R, a distance of 994.83 feet, to the northeasterly corner of said Lot 1R; Thence tenth course: N00°04'36"E, a distance of 32.76 feet, to the W1/6 Corner common to Sections 16 and 21; Thence eleventh course: S89°55'24"E, along the section line common to Sections 16 and 21, a distance of 3974.60 feet, to the section corner common to Sections 15, 16, 21, and 22 T2N, R8E, BHM, and the point of beginning, located north of U.S. Interstate 90 and west of Elk Vale Road and a east of Dyess Avenue was introduced. Motion was made by Kooiker, seconded and carried that Ordinance No. 5438 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 3, 2008.

Ordinance No. 5439 (No. 08RZ037), 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 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 Beaird Subdivision; Thence fourth course: S89°56'52"E, along the southerly boundary of said Lot 3 of Beaird Subdivision, a distance of 564.86 feet, to the southeasterly corner of said Lot 3 of Beaird Subdivision, common to a southerly corner of Lot 2R of Beaird Subdivision; Thence fifth course: S89°56'31"E, along the southerly boundary of said Lot 2R of Beaird Subdivision, a distance of 727.10 feet, to the southeasterly corner of said Lot 2R of Beaird 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 southwesterly 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 southwesterly 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, located north of U.S. Interstate 90, west of Elk Vale Road and east of Dyess Avenue was introduced. Motion was made by Kooiker, seconded and carried that Ordinance No. 5439 be denied without prejudice at the applicant's request.

Legal & Finance Committee Items

The following (No. LF101508-12), Resolution to Establish Fee for On-Sale Full Service Restaurant Licenses was introduced, read, and Kooiker moved its adoption:

RESOLUTION ESTABLISHING THE FAIR MARKET VALUE
OF ON-SALE FULL SERVICE RESTAURANT LICENSES

WHEREAS, the City of Rapid City has adopted Ordinances that create a comprehensive regulatory scheme for the sale and consumption of alcoholic beverages; and

WHEREAS, the South Dakota Legislature recently enacted Senate Bill 126 which authorized the issuance of additional on-sale licenses to full service restaurants subject to certain conditions; and

WHEREAS, pursuant to the authority granted in Senate Bill 126 the City of Rapid City adopted Ordinance No. 5400 to implement the provisions of the on-sale full service restaurants license; and

WHEREAS, Senate Bill 126 requires the municipality to establish the fair market value of the on-sale full service restaurant license by using the documented value of the last arms length transaction prior to January 1, 2008; and

WHEREAS, it appears that the last arms-length transfer prior to January 1, 2008, of an on-sale alcohol license occurred on August 1, 2007 when the transfer of an on-sale license from Hansen Investments, Inc. to Dealer Exchange, Inc. was approved by the Rapid City Common Council; and

WHEREAS, the City of Rapid City has received documentation showing that the value attributed to the on-sale license was \$295,000; and

WHEREAS, the City of Rapid City is mandated by state law to use this transaction to establish the fair market value of the on-sale full service restaurant license.

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that the fee for the full service on-sale restaurant license is hereby established at \$295,000.

Dated 20th this day of October, 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: City Attorney Green indicated that this item comes forward as a result of the Council's ordinance to implement the new full-service restaurant license that was authorized by the legislature. State statute requires that within ninety days of adopting the ordinance, that the City Council set the fee for the new on-sale license. The City Council is mandated to use the fair market value of the last arms-length transaction where there was a sale of an alcohol license that occurred prior to January 1, 2008. This resolution establishes the fee of \$295,000 for a new full-service restaurant on-sale alcohol license for the next ten years. Alderman Kooiker reiterated his interest in the City and Council working the Municipal League and legislatures to address the issue on establishing the fair market value. Upon a vote being taken on the motion to approve, the following voted AYE: Kooiker, Olson, Kroeger, Hadcock, Martinson, Weifenbach, Okrepkie, and Chapman; NO: None; whereupon said resolution was declared duly passed and adopted.

City Attorney Green recommend that Growth Management Director Marcia Elkins be appointed to the Board of Freeholders replacing Finance Officer Jim Preston, in the matter of the Wally Byum site; whereupon Chapman moved, seconded, and carried to approve the recommendation.

Public Works Committee Items

Motion was made by Kroeger and seconded to (No. PW101408-17), formally accept a warranty deed to land on the south 464.64 feet of the SE1/4NW1/4NE1/4 of Section 21, the south 464.64 feet of the NE1/4NE1/4, less Lot H1 of Section 21 and the SE1/4NE1/4 of Section 21, all located in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of County Road and Elk Vale Road a distance of approximately 850 feet on the east side of Elk Vale Road. It is recommended that the newly appointed committee, working with Soccer Rapid City, sort out the details of the complex and the viability of the land before accepting the deed.

Substitute motion was made by Kooiker and seconded to continue this issue to the November 3, 2008 City Council meeting.

Second substitute motion was made by Chapman and seconded to continue this issue to the December 1, 2008 City Council meeting. At this time, Mayor Hanks indicated that Alderman Chapman will Chair the newly appointed committee. Upon a vote being taken on the second substitute motion, motion carried.

Bids

The following companies submitted bids for (No. CC102008-02), Elk Vale Road Sanitary Trunk Sewer Extension Project No. SS07-1658 / CIP No. 50686 opened October 14, 2008: Underground Developers, Inc., Quinn Construction, Inc., Mainline Contracting, Inc., Hills Materials Company, Site Work Specialists, Inc., R.C.S. Construction, Inc., Highmark, Inc., Rapid Construction LLC, Simon Contractors of SD, Inc., and Heavy Constructors, Inc. Staff reviewed the bids and recommends the bid award be continued. Motion was made by Olson, seconded, and carried to refer the bid award to the October 28, 2008 Public Works Committee meeting.

The following companies submitted bids for (No. CC102008-02), One (1) 2009 ADA Accessible Trolley opened October 15, 2008: SVI, Inc. Staff reviewed the bids and recommends the bid award to SVI, Inc. Motion was made by Hadcock, seconded, and carried to approve the bid award for the ADA Accessible Trolley to the lowest responsible bidder meeting specifications, SVI, Inc. for the low unit prices bid for a total contract amount of \$129,518.

Mayor's Items

Motion was made by Chapman, seconded and carried to set a Special Council meeting for Friday, November 7, 2008 at 12:00 P.M. to canvass the November 4, 2008 municipal election results.

Council Items & Liaison Reports

Alderman Hadcock recognized Alderman Chapman as the recipient of the South Dakota Municipal League 2008 "Excellence In Municipal Government Award" and extended her congratulations.

PUBLIC HEARING ITEMS – Items 78 – 112

Motion was made, seconded, and carried to open the public hearing on items 78 – 112. No comments were offered.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 78 - 100

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

Continue the following items until November 3, 2008:

78. No. 06PL090 - A request by Dream Design International for a **Preliminary Plat** on Lots 1 thru 5 of Block 1, Lots 1 thru 10 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 and 26 of Block 6, Lot 1 of Block 7, Lots 1 and 36 thru 41 of Block 8, Lots 1 thru 11 of Block 9, Lots 1 thru 13 of Block 10, Lots 1 thru 30 of Block 11 and Lot A and Lots 1 thru 23 of Block 12 and Dedicated Right-of-Way, Elks Meadows Subdivision, located in the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, located east of the intersection of Elk Vale Road and Old Folsom Road.
79. 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.
80. No. 08PL038 - A request by Sperlich Consulting, Inc. for TK Engesser Investments, LLC for a **Preliminary Plat** on Lots 1 thru 4 of Engessor Subdivision, located in the NE1/4 of the SE1/4, less Lot H1 of the NE1/4 of the SE1/4, less Lot A of the NE1/4 of the SE1/4, less Lot PE1 of the NE1/4 of the SE1/4, and less a portion of a South Dakota owned Railroad Right-of-way, located in the NE1/4 of the SE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the NE1/4 of the SE1/4, less Lot H1 of the NE1/4 of the SE1/4, less Lot A of the NE1/4 of the SE1/4, less Lot PE1 of the NE1/4 of the SE1/4, and less a portion of a South Dakota owned Railroad Right-of-way, located in the NE1/4 of the SE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota, located southwest of the intersection of South Dakota Highway 44 and Radar Hill Road.
81. 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.

82. 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.
83. 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.
84. 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.
85. 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.
86. No. 08PL130 - A request by Britton Engineering & Land Surveying for Steve Wynia for a **Preliminary Plat** on Lots 9R and 10R of Cambell Square Addition, located in Government Lot 4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 9 and 10 of Cambell Square Addition, located in Government Lot 4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1410 Centre Street.
87. 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.

88. No. 08RZ027 - Second Reading, Ordinance No. 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** on 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.
89. No. 08RZ034 - Second Reading, Ordinance No. 5430, 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 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 W½ of the NW¼ of the SE¼ of Section 22, located in the W½ of the NW¼ of the SE¼, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, common to Lot 6 of Block 2 of the Villaggio at Golden Eagle, each located in the E½ of the NW¼ of the SE¼, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence, first course: S00°08'13"E, along the westerly boundary of Lot 5 of Block 2 of the Villaggio at Golden Eagle, a distance of 95.12 feet; Thence, second course: S61°38'29"W, along the westerly boundary of Lot 4R of Block 2 of the Villaggio at Golden Eagle, a distance of 200.00 feet; Thence, third course: S89°51'47"W, a distance of 174.00 feet; Thence, fourth course: N00°08'13"W, a distance of 592.45 feet; Thence, fifth course: S56°59'57"E, a distance of 314.65 feet; Thence, sixth course: N85°50'49"E, a distance of 87.08 feet; Thence, seventh course: S00°04'39"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 112.55 feet; Thence, eighth course: S00°08'13"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 19.96 feet; Thence, ninth course: S00°08'13"E, along the westerly boundary of Lot 6 of Block 2 of the Villaggio at Golden Eagle, a distance of 104.33 feet, to the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, and the Point of Beginning, located north of Catron Boulevard and west of Golden Eagle Drive.
90. 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 SE¼ NE¼ SE¼, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 20 of Highview Subdivision, NE¼ SE¼ of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1445 Sammis Trail.
91. 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 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

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.

92. No. 08SV046 - A request by Britton Engineering & Land Surveying for Steve Wynia for a **Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Centre Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 9R and 10R of Cambell Square Addition, located in Government Lot 4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 9 and 10 of Cambell Square Addition, located in Government Lot 4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1410 Centre Street.
93. 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.
94. 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 W½ of the NW¼ of the SE¼ of Section 22, located in the W½ of the NW¼ of the SE¼, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, common to Lot 6 of Block 2 of the Villaggio at Golden Eagle, each located in the E½ of the NW¼ of the SE¼, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence, first course: S00°08'13"E, along the westerly boundary of Lot 5 of Block 2 of the Villaggio at Golden Eagle, a distance of 95.12 feet; Thence, second course: S61°38'29"W, along the westerly boundary of Lot 4R of Block 2 of the Villaggio at Golden Eagle, a distance of 200.00

feet; Thence, third course: S89°51'47"W, a distance of 174.00 feet; Thence, fourth course: N00°08'13"W, a distance of 592.45 feet; Thence, fifth course: S56°59'57"E, a distance of 314.65 feet; Thence, sixth course: N85°50'49"E, a distance of 87.08 feet; Thence, seventh course: S00°04'39"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 112.55 feet; Thence, eighth course: S00°08'13"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 19.96 feet; Thence, ninth course: S00°08'13"E, along the westerly boundary of Lot 6 of Block 2 of the Villaggio at Golden Eagle, a distance of 104.33 feet, to the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, and the Point of Beginning, located north of Catron Boulevard and west of Golden Eagle Drive.

Continue the following items until November 17, 2008:

95. 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.
96. 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.
97. No. 08SV041 - A request by Black Hills 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.
98. 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.
99. 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 1, 2008:

100. No. 08CA027 - A request by City of Rapid City for an **Amendment to the Adopted Comprehensive Plan to incorporate the City of Rapid City's Regional Airport Master Plan Update (May 2008)**.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Chapman, seconded, and carried to close the public hearing on items 78 – 112.

PUBLIC HEARING ITEMS – Alcohol Licenses

Motion was made by Kroeger, seconded, and carried to continue the hearing for Atlantis LLC dba **Fairfield Inn & Suites by Marriott**, 1314 North Elk Vale Road for a Retail (On-Sale) Liquor License transfer (change in property description of licensed premise) to the November 3, 2008 Council meeting.

Motion was made by Kroeger, seconded, and carried to approve the alcohol license for SMJ Ventures LLC dba **OMA & Café & Bakery**, 1118 East North Street for a Retail (On-Off Sale) Malt Beverage License not eligible for video lottery.

Motion was made by Kroeger, seconded, and carried to approve the alcohol license for SMJ Ventures LLC dba **OMA & Café & Bakery**, 1118 East North Street for a Retail (On-Off Sale) Wine License.

NON-CONSENT PUBLIC HEARING ITEMS – Items 104 – 112

The Mayor presented (No. 08CA031), a request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the future land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development** on a portion of Tract B of Rushmore Center, located in the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly corner of Tract B of Rushmore Center, common to the southeasterly corner of Tract G of Rushmore Crossing, common to a point on the westerly edge of right-of-way of Luna Avenue, and the point of beginning. Thence, first course curving to the right, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 464.00 feet, a delta angle of 17°00'58", a length of 137.80 feet, a chord bearing of S11°46'03"E, and chord distance of 137.30 feet, to a corner of said Tract B, common to a corner on the westerly edge of said Luna Avenue right-of-way; Thence, second course: N86°44'26"E, along the easterly boundary of said Tract B, common to the westerly edge of right-of-way of said Luna Avenue right-of-way, a distance of 12.00 feet, to a corner of said Tract B, common to a corner on the westerly edge of said Luna Avenue right-of-way; Thence, third course curving to the right, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 476.00 feet, a delta angle of 03°25'22", a length of 28.44 feet, a chord bearing of S01°32'53"E, and chord distance of 28.43 feet; Thence, fourth course: S00°09'48"W, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, a distance of 816.29 feet; Thence, fifth course curving to the right, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 1970.00 feet, a delta angle of 01°48'09", a length of 61.97 feet, a chord bearing of S01°03'52"W, and chord distance of 61.97 feet; Thence, sixth course: S01°57'56"W, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, a distance of 23.04 feet; Thence, seventh course: N89°53'25"W, a distance of 192.65 feet; Thence, eighth course: N00°01'19"W, a distance of 909.25 feet; Thence, ninth course: N27°50'29"W, a distance of 175.08 feet to a point on the northerly boundary of said Tract B, common to a point on the southerly boundary of said Tract G; Thence, tenth course: S89°45'36"E, along the northerly boundary of said Tract B, common to the southerly boundary of said Tract G, a distance of 238.28 feet to the northeasterly corner of said Tract B, common to the southeasterly corner of said Tract G, common to a point on the westerly edge of right-of-way of said Luna Avenue, and the point of beginning, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of East Anamosa Street and Luna Avenue. 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 20th 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 change the future land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development, on a portion of Tract B of Rushmore Center, located in the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly corner of Tract B of Rushmore Center, common to the southeasterly corner of Tract G of Rushmore Crossing, common to a point on the westerly edge of right-of-way of Luna Avenue, and the point of beginning. Thence, first course curving to the right, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 464.00 feet, a delta angle of 17°00'58", a length of 137.80 feet, a chord bearing of S11°46'03"E, and chord distance of 137.30 feet, to a corner of said Tract B, common to a corner on the westerly edge of said Luna Avenue right-of-way; Thence, second course: N86°44'26"E, along the easterly boundary of said Tract B, common to the westerly edge of right-of-way of said Luna Avenue right-of-way, a distance of 12.00 feet, to a corner of said Tract B, common to a corner on the westerly edge of said Luna Avenue right-of-way; Thence, third course curving to the right, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 476.00 feet, a delta angle of 03°25'22", a length of 28.44 feet, a chord bearing of S01°32'53"E, and chord distance of 28.43 feet; Thence, fourth course: S00°09'48"W, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, a distance of 816.29 feet; Thence, fifth course curving to the right, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 1970.00 feet, a delta angle of 01°48'09", a length of 61.97 feet, a chord bearing of S01°03'52"W, and chord distance of 61.97 feet; Thence, sixth course: S01°57'56"W, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, a distance of 23.04 feet; Thence, seventh course: N89°53'25"W, a distance of 192.65 feet; Thence, eighth course: N00°01'19"W, a distance of 909.25 feet; Thence, ninth course: N27°50'29"W, a distance of 175.08 feet to a point on the northerly boundary of said Tract B, common to a point on the southerly boundary of said Tract G; Thence, tenth course: S89°45'36"E, along the northerly boundary of said Tract B, common to the southerly boundary of said Tract G, a distance of 238.28 feet to the northeasterly corner of said Tract B, common to the southeasterly corner of said Tract G, common to a point on the westerly edge of right-of-way of said Luna Avenue, and the point of beginning, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be amended by changing the land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development, on a portion of Tract B of Rushmore Center, located in the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly corner of Tract B of Rushmore Center, common to the southeasterly corner of Tract G of Rushmore Crossing, common to a point on the westerly edge of right-of-way of Luna Avenue, and the point of beginning. Thence, first course curving to the right, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 464.00 feet, a delta angle of 17°00'58", a length of 137.80 feet, a chord bearing of S11°46'03"E, and chord distance of 137.30 feet, to a corner of said Tract B, common to a corner on the westerly edge of said Luna Avenue right-of-way; Thence,

second course: N86°44'26"E, along the easterly boundary of said Tract B, common to the westerly edge of right-of-way of said Luna Avenue right-of-way, a distance of 12.00 feet, to a corner of said Tract B, common to a corner on the westerly edge of said Luna Avenue right-of-way; Thence, third course curving to the right, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 476.00 feet, a delta angle of 03°25'22", a length of 28.44 feet, a chord bearing of S01°32'53"E, and chord distance of 28.43 feet; Thence, fourth course: S00°09'48"W, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, a distance of 816.29 feet; Thence, fifth course curving to the right, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 1970.00 feet, a delta angle of 01°48'09", a length of 61.97 feet, a chord bearing of S01°03'52"W, and chord distance of 61.97 feet; Thence, sixth course: S01°57'56"W, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, a distance of 23.04 feet; Thence, seventh course: N89°53'25"W, a distance of 192.65 feet; Thence, eighth course: N00°01'19"W, a distance of 909.25 feet; Thence, ninth course: N27°50'29"W, a distance of 175.08 feet to a point on the northerly boundary of said Tract B, common to a point on the southerly boundary of said Tract G; Thence, tenth course: S89°45'36"E, along the northerly boundary of said Tract B, common to the southerly boundary of said Tract G, a distance of 238.28 feet to the northeasterly corner of said Tract B, common to the southeasterly corner of said Tract G, common to a point on the westerly edge of right-of-way of said Luna Avenue, and the point of beginning, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 20th day of October, 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: Kooiker, Olson, Kroeger, Hadcock, Martinson, Weifenbach, Okrepkie, and Chapman; NO: None; whereupon said resolution was declared duly passed and adopted.

The Mayor presented (No. 08CA032), a request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the Future Land Use Designation from Medium Density Residential to General Commercial with a Planned Commercial Development** on Tract A and a portion of Tract B of Rushmore Center, located in the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Tract B of Rushmore Center, common to the northeasterly corner of Tract A of Rushmore Center, and common to a point on the southerly boundary of Tract G of Rushmore Crossing, and the point of beginning; Thence, first course: S89°45'36"E, along the northerly boundary of said Tract B, common to the southerly boundary of said Tract G, a distance of 36.69 feet; Thence, second course: S27°50'29"E, a distance of 175.08 feet; Thence, third course: S00°01'19"E, a distance of 909.25 feet; Thence, fourth course: S89°52'30"W, a distance of 121.62, to a point on the westerly boundary of said Tract B, common to a point on the easterly boundary of Lot A of Lot 5R of Meridian Subdivision; Thence, fifth course: N00°09'06"E, along the westerly boundary of said Tract B, common to the easterly boundary of said Lot A of Lot 5R, a distance of 583.94 feet, to the northeasterly corner of said Lot A of Lot 5R, common to the southeasterly corner of said Tract A, and common to a point on the westerly boundary of said Tract B; Thence, sixth course: N00°09'06"E, along the westerly boundary of said Tract B, common to the easterly boundary of said Tract A, a distance of 480.53 feet, to the northwesterly corner of said Tract B, common to the northeasterly corner of said Tract A, common to a point on the southerly

boundary of said Tract G, and the point of beginning, located southwest of the intersection of Eglin Street and Luna Avenue. 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 20th 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 change the Future Land Use Designation from Medium Density Residential to General Commercial with a Planned Commercial Development, on Tract A and a portion of Tract B of Rushmore Center, located in the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Tract B of Rushmore Center, common to the northeasterly corner of Tract A of Rushmore Center, and common to a point on the southerly boundary of Tract G of Rushmore Crossing, and the point of beginning; Thence, first course: S89°45'36"E, along the northerly boundary of said Tract B, common to the southerly boundary of said Tract G, a distance of 36.69 feet; Thence, second course: S27°50'29"E, a distance of 175.08 feet; Thence, third course: S00°01'19"E, a distance of 909.25 feet; Thence, fourth course: S89°52'30"W, a distance of 121.62, to a point on the westerly boundary of said Tract B, common to a point on the easterly boundary of Lot A of Lot 5R of Meridian Subdivision; Thence, fifth course: N00°09'06"E, along the westerly boundary of said Tract B, common to the easterly boundary of said Lot A of Lot 5R, a distance of 583.94 feet, to the northeasterly corner of said Lot A of Lot 5R, common to the southeasterly corner of said Tract A, and common to a point on the westerly boundary of said Tract B; Thence, sixth course: N00°09'06"E, along the westerly boundary of said Tract B, common to the easterly boundary of said Tract A, a distance of 480.53 feet, to the northwesterly corner of said Tract B, common to the northeasterly corner of said Tract A, common to a point on the southerly boundary of said Tract G, and the point of beginning; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be amended by changing the Land Use Designation from Medium Density Residential to General Commercial with a Planned Commercial Development, on Tract A and a portion of Tract B of Rushmore Center, located in the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Tract B of Rushmore Center, common to the northeasterly corner of Tract A of Rushmore Center, and common to a point on the southerly boundary of Tract G of Rushmore Crossing, and the point of beginning; Thence, first course: S89°45'36"E, along the northerly boundary of said Tract B, common to the southerly boundary of said Tract G, a distance of 36.69 feet; Thence, second course: S27°50'29"E, a distance of 175.08 feet; Thence, third course: S00°01'19"E, a distance of 909.25 feet; Thence, fourth course: S89°52'30"W, a distance of 121.62, to a point on the westerly boundary of said Tract B, common to a point on the easterly boundary of Lot A of Lot 5R of Meridian Subdivision; Thence, fifth course: N00°09'06"E, along the westerly boundary of said Tract B, common to the easterly boundary of said Lot A of Lot 5R, a distance of 583.94 feet, to the northeasterly corner of said Lot A of Lot 5R, common to the southeasterly corner of said Tract A, and common to a point on the westerly boundary of said Tract B; Thence, sixth course: N00°09'06"E, along the westerly boundary of said Tract B, common to the easterly boundary of said Tract A, a distance of 480.53 feet, to the northwesterly corner of said Tract B, common to the northeasterly corner of said Tract A, common to a point on the southerly boundary of said Tract G, and

the point of beginning as attached to the original hereof and that such amendment be filed with the City Finance Office.

Dated this 20th day of October, 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: Kooiker, Olson, Kroeger, Hadcock, Martinson, Weifenbach, Okrepkie, and Chapman; NO: None; whereupon said resolution was declared duly passed and adopted.

The Mayor presented (No. 08SV010), a request by Renner & Associates for Pete Lien and Sons for a **Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and to waive the requirement to dedicate additional Right-of-way and pavement along Sturgis Road and the Section Line Right-of-way, Neiger Court, Zenker Place and in the access easements as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Keller Subdivision and Tract 1 of Schaeferville Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of the NE1/4; Lot 1 of Limestone Tunnel Subdivision; Lot B of the NW1/4 of the NE1/4; Lots 1 thru 3 of Block 1 and vacated Feist Road of Feist Addition; Lots 1 thru 4 of Lot 1 of the NE1/4 of the NE1/4; Lot A, Lots 1 thru 6 of Lot B, and a Subdivision of Lot1C; Lot X and Y, a Subdivision of Lot 1D: Lots A, B, and C of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located north and south of Universal Drive and west of Sturgis Road. Motion was made by Kroeger, seconded, and carried that the Variance is deny without prejudice.

The Mayor presented (No. 08SV048), a request by Sperlich Consulting, Inc. for Lifestyle Homes for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk and reduce pavement width as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 54A and 54B of Village on the Green No. 2 Subdivision, located in the NW1/4 NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 54 of the Village on the Green No. 2 Subdivision, located in the NW1/4 NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, located adjacent to the south side of Mulligan Mile. Motion was made by Kroeger, seconded, and carried that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be approved with the stipulation that a note be placed on the plat prohibiting on-street parking and that a five foot wide access easement shall be provided along Mulligan Mile as it abuts the property; that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks along both sides of Mulligan Mile be approved with the stipulation that an eight foot wide asphalt walking trail shall be provided along the north side of the northern tier of lots located along the golf course; and, that the Variance to the Subdivision Regulations to reduce the pavement width of Mulligan Mile be denied without prejudice.

Motion was made by Kroeger, seconded, and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, street light conduit, water, sewer and additional pavement along Nemo Road and to install curb, gutter, street light conduit, water, sewer and pavement along the section line highways as they abut a parcel of land located in the SW1/4 SE1/4, that portion of the SE1/4 SW1/4 lying north of Nemo Road and the unplatted portion of the

NE1/4 NW1/4 lying east of Nemo Road, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, located at 8970 Nemo Road. (08SV050)

The Mayor presented (No. 08SV050), a request by Fisk Land Surveying & Consulting Engineers for U Lazy Two, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, water, sewer and pavement and to waive the requirement to dedicate right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of U Lazy Two Ranch Estates Subdivision, located in the SW1/4 SE1/4, that portion of the SE1/4 SW1/4 lying north of Nemo Road and the unplatted portion of the NE1/4 NW1/4 lying east of Nemo Road, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 SE1/4, that portion of the SE1/4 SW1/4 lying north of Nemo Road and the unplatted portion of the NE1/4 NW1/4 lying east of Nemo Road, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, located at 8970 Nemo Road. Motion was made by Kroeger, seconded, and carried that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and additional pavement along Nemo Road, to install curb, gutter, street light conduit, water, sewer and pavement along the existing section line highways and to waive the requirement to dedicate the section line highways as right-of-way be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

The Mayor presented (No. 08RZ031), second reading of Ordinance No. 5423, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on a portion of Tract B of Rushmore Center, located in the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Tract B of Rushmore Center, common to a point on the westerly edge of right-of-way of Luna Avenue, common to a point on the northerly edge of right-of-way of Anamosa Street, and the point of beginning, Thence first course: N89°50'44"W, along the southerly boundary of said Tact B, common to the northerly edge of right-of-way of said Anamosa Street, a distance of 159.72 feet; Thence, second course: N00°01'19"W, a distance of 1281.72 feet; Thence, third course: S89°25'05"E, distance of 197.25, to a point on the easterly boundary of said Tract B, common to a point on the westerly edge of right-of-way of said Luna Avenue; Thence, fourth course: curving to the right, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 476.00 feet, a delta angle of 00°45'45", a length of 6.34 feet, a chord bearing of S00°13'05"E, and chord distance of 6.34 feet; Thence, fifth course: S00°09'48"W, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, a distance of 816.29 feet; Thence, sixth course: curving to the right, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 1970.00 feet, a delta angle of 01°48'09", a length of 61.97 feet, a chord bearing of S01°03'52"W, and chord distance of 61.97 feet; Thence, seventh course: S01°57'56"W, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, a distance of 375.85 feet, to a corner on the easterly boundary of said Tract B, common to a corner on the westerly edge of said Luna Avenue right-of-way; Thence, eighth course: S46°03'36"W, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, a distance of 28.73 feet, to the southeasterly corner of said Tract B, common to a point on the westerly edge of right-of-way of said Luna Avenue, common to a point on the northerly edge of right-of-way of said Anamosa Street, and the point of beginning, located at the northwest corner of the intersection of East Anamosa Street and Luna Avenue. Notice of hearing was published in the Rapid City Journal on September 20, 2008 and September 27, 2008. Ordinance No. 5423 having had the first reading on September 15, 2008, motion was made by Kooiker and seconded that the title be read the second time. The following voted AYE: Kooiker, Olson, Kroeger, Hadcock, Martinson, Weifenbach, Okrepkie, and Chapman; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5423 the second time.

The Mayor presented (No. 08RZ032), second reading of Ordinance No. 5424, 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 Medium Density Residential District to General Commercial District** on Tract A of Rushmore Center located in the SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of East Anamosa Street and Luna Avenue. Notice of hearing was published in the Rapid City Journal on September 20, 2008 and September 27, 2008. Ordinance No. 5424 having had the first reading on September 15, 2008, motion was made by Kooiker and seconded that the title be read the second time. The following voted AYE: Kooiker, Olson, Kroeger, Hadcock, Martinson, Weifenbach, Okrepkie, and Chapman; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5424 the second time.

The Mayor presented (No. 08RZ033), second reading of Ordinance No. 5425, 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 Medium Density Residential District to General Commercial District** on a portion of Tract B of Rushmore Center, located in the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Tract B of Rushmore Center, common to the northeasterly corner of Tract A of Rushmore Center, and common to a point on the southerly boundary of Tract G of Rushmore Crossing, and the point of beginning, Thence, first course: S89°45'36"E, along the northerly boundary of said Tract B, common to the southerly boundary of said Tract G, a distance of 118.40 feet; Thence, second course: S00°01'19"E, a distance of 1436.19 feet, to a point on the northerly edge of right-of-way of Anamosa Street; Thence, third course: N89°50'44"W, along the northerly edge of right-of-way of Anamosa Street, a distance of 122.75, to the southwesterly corner of said Tract B, common to the southeasterly corner of Lot A of Lot 5R of Meridian Subdivision; Thence, fourth course: N00°09'06"E, along the westerly boundary of said Tract B, common to the easterly boundary of said Lot A of Lot 5R, a distance of 955.83 feet, to the northeasterly corner of said Lot A of Lot 5R, common to the southeasterly corner of said Tract A, and common to a point on the westerly boundary of said Tract B; Thence, fifth course: N00°09'06"E, along the westerly boundary of said Tract B, common to the easterly boundary of said Tract A, a distance of 480.53 feet, to the northwesterly corner of said Tract B, common to the northeasterly corner of said Tract A, common to a point on the southerly boundary of said Tract G, and the point of beginning, located at the northwest corner of the intersection of East Anamosa Street and Luna Avenue. Notice of hearing was published in the Rapid City Journal on September 20, 2008 and September 27, 2008. Ordinance No. 5425 having had the first reading on September 15, 2008, motion was made by Kooiker and seconded that the title be read the second time. The following voted AYE: Kooiker, Olson, Kroeger, Hadcock, Martinson, Weifenbach, Okrepkie, and Chapman; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 5425 the second time.

BILLS

The following bills having been audited, motion was made by Kroeger and seconded to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof. Motion carried with Hadcock voting NO.

Payroll Paid Ending 9-27-08, Paid 10-3-08	800,706.99
Payroll Paid Ending 9-27-08, Paid 10-3-08	2,899.25
Pioneer Bank, Taxes Paid 10-3-08	195,384.84
Pioneer Bank, Taxes Paid 10-3-08	209.53
SD Retirement System, retirement	351,866.03
SD Retirement System, retirement	355.09
1ST National Bank, SRF Loan 5, Drinking Water No. 1	317,602.73

CITY COUNCIL

OCTOBER 20, 2008

First Administrators, claims paid 10-7-08	38,660.73
First Administrators, claims paid 10-15-08	114,466.90
Berkley Risk Administrators, September claims	49,539.00
West River Electric Association, electricity	16,684.30
Montana Dakota Utilities, gas	673.30
Computer Bill List	<u>4,342,362.29</u>
Subtotal	\$6,231,410.98
Payroll Paid Ending 9-27-08, Paid 10-3-08	2,734.07
Pioneer Bank, Taxes Paid 10-3-08	209.16
SD Retirement System, retirement	308.92
City of Rapid City, health insurance	917.50
Knology, phone	<u>27.16</u>
Subtotal	\$6,235,607.79
Pennington Title, Knecht Park Subdivision property	<u>250,000.00</u>
Total	\$6,485,607.79

EXECUTIVE SESSION permitted by SDCL 1-25-2

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

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 8:33 P.M.

ATTEST:

CITY OF RAPID CITY

Finance Office

Mayor

(SEAL)